

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Forty-Eighth Report to the Court recommending adoption of a proposed revision of Title 9, Chapter 200 (Divorce, Annulment, Alimony, Child Support, and Child Custody); proposed new Form Nos. 9 (Product Liability Definitions) and 10 (Product Liability Interrogatories), Appendix of Forms, Form Interrogatories; proposed new Appendix: Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Proceedings; proposed new Rules 8-605.1, 16-819, and 17-109; proposed amendments to Rules 1-303, 1-325, 2-322, 2-323, 2-504.1, 2-505, 2-507, 2-535, 2-541, 4-212, 4-254, 6-122, 6-207, 6-404, 6-433, 6-455, 7-102, 7-112, 7-201, 7-202, 7-206, 8-113, 8-122, 8-501, 8-502, 8-504, 8-606, 9-103, 9-105, 9-106, 11-106, 15-206, 16-101, 16-202, 16-204, 16-402, 16-404, 16-504, 16-802, 16-817, 17-102, 17-103, 17-104, and 17-105; proposed amendments to Form Nos. 2 and 7, Appendix of Forms, Form Interrogatories; proposed amendments to Rule 1.14, Appendix: Maryland Rules of Professional Conduct; and proposed amendments to Rule 14, Rules Governing Admission to the Bar of Maryland, all as set forth in that Report published in the

Maryland Register, Vol. 27, Issue 21, pages 1908 - 1969

(October 20, 2000); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all of the proposed rules changes, together with the comments received, and making certain deletions and additions to the proposed rules changes on its own motion, it is this 5th day of March, 2001

ORDERED, by the Court of Appeals of Maryland, that the Rules in Title 9, Chapter 200 and Rule 16-402 be, and they are hereby rescinded; and it is further

ORDERED that revised Title 9, Chapter 200 and new Form No. 9, Appendix of Forms, Form Interrogatories, be, and they are hereby adopted in the form attached to this Order; and it is further

ORDERED that new Rule 8-605.1, new Form No. 10, Appendix of Forms, Form Interrogatories and new Appendix: Guidelines of Advocacy for Attorneys Representing Children in

CINA and Related TPR and Adoption Proceedings be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that amendments to Rules 2-504.1, 8-113, 8-504, 9-105, 16-101, 16-404, 16-504, and 16-802, be, and they are hereby adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 1-303, 1-325, 2-322, 2-323, 2-505, 2-541, 4-212, 4-254, 6-122, 6-207, 6-404, 6-433, 6-455, 7-102, 7-112, 8-122, 8-501, 8-502, 9-103, 11-106, 15-206, 16-202, 16-204, and 16-817, Forms Nos. 2 and 7, Appendix of Forms, Form Interrogatories, Rule 1.14, Appendix: Maryland Rules of Professional Conduct, and Rule 14, Rules Governing Admission to the Bar be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that the proposed amendments to Rules 7-201 and 7-202 be, and they are hereby, rejected; and it is further

ORDERED that proposed new Rules 16-819 and 17-109 and the proposed amendments to Rules 7-206, 17-102, 17-103, 17-104, and 17-105 be, and they are hereby, remanded to the Standing Committee on Rules of Practice and Procedure for

further study; and it is further

ORDERED that the proposed amendments to Rules 2-507, 2-535, 8-606, and 9-106 be, and they are hereby, withdrawn by the Committee; and it is further

ORDERED, that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after July 1, 2001 and insofar as practicable, to all actions then pending; and it is further

ORDERED, that a copy of this Order be published in the next issue of the Maryland Register.

/s/ Robert M. Bell

Robert M. Bell

/s/ John C. Eldridge

John C. Eldridge

/s/ Irma S. Raker

Irma S. Raker

/s/ Alan M. Wilner

Alan M. Wilner

/s/ Dale R. Cathell

Dale R. Cathell

/s/ Glenn T. Harrell, Jr.

Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglina

Lynne A. Battaglia

Filed: March 5, 2001

/s/ Alexander L. Cummings

Clerk
Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-303 to add a form of oath for court interpreters, as follows:

Rule 1-303. FORM OF OATH

(a) Generally

Except as provided in section (b), [W] whenever an oral oath is required by rule or law, the person making oath shall solemnly swear or affirm under the penalties of perjury that the responses given and statements made will be the whole truth and nothing but the truth. A written oath shall be in a form provided in Rule 1-304.

(b) Court Interpreters

A court interpreter shall solemnly swear or affirm under the penalties of perjury to interpret accurately, completely, and impartially.

Source: Section (a) of [This] this Rule is derived from former Rules 5 c and 21. Section (b) is new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-325 to conform to the revision of Title 9,
Chapter 200, as follows:

Rule 1-325. FILING FEES AND COSTS -- INDIGENCY

(a) Generally

A person unable by reason of poverty to pay any filing fee or other court costs ordinarily required to be prepaid may file a request for an order waiving the prepayment of those costs. The person shall file with the request an affidavit verifying the facts set forth in that person's pleading, notice of appeal, application for leave to appeal or request for process, and stating the grounds for entitlement to the waiver. If the person is represented by an attorney, the request and affidavit shall be accompanied by the attorney's signed certification that the claim, appeal, application, or request for process is meritorious. The court shall review the papers presented and may require the person to supplement or explain any of the matters set forth in the papers. If the court is satisfied that the person is unable by reason of poverty to pay the filing fee or other court costs ordinarily required to be prepaid and the claim, appeal, application, or

request for process is not frivolous, it shall waive by order the prepayment of such costs.

Committee note: The term "other court costs" in section (a) of this Rule includes the compensation, fees, and costs of a master or examiner. See Rules 2-541 (i), 2-542 (i), 2-603 (e), and [9-207 j] 9-208 (j).

. . .

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE--CIRCUIT COURT

CHAPTER 300 - PLEADINGS AND MOTIONS

AMEND Rule 2-322 to add discharge in bankruptcy to section

(b), as follows:

Rule 2-322. PRELIMINARY MOTIONS

(a) Mandatory

The following defenses shall be made by motion to dismiss filed before the answer, if an answer is required: (1) lack of jurisdiction over the person, (2) improper venue, (3) insufficiency of process, and (4) insufficiency of service of process. If not so made and the answer is filed, these defenses are waived.

(b) Permissive

The following defenses may be made by motion to dismiss filed before the answer, if an answer is required: (1) lack of jurisdiction over the subject matter, (2) failure to state a claim upon which relief can be granted, (3) failure to join a party under Rule 2-211, [and] (4) discharge in bankruptcy, and [(4)] (5) governmental immunity. If not so made, these defenses and objections may be made in the answer, or in any other appropriate manner after answer is filed.

(c) Disposition

A motion under sections (a) and (b) of this Rule shall be determined before trial, except that a court may defer the determination of the defense of failure to state a claim upon which relief can be granted until the trial. In disposing of the motion, the court may dismiss the action or grant such lesser or different relief as may be appropriate. If the court orders dismissal, an amended complaint may be filed only if the court expressly grants leave to amend. The amended complaint shall be filed within 30 days after entry of the order or within such other time as the court may fix. If leave to amend is granted and the plaintiff fails to file an amended complaint within the time prescribed, the court, on motion, may enter an order dismissing the action. If, on a motion to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 2-501, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 2-501.

(d) Motion for More Definite Statement

If a pleading to which an answer is permitted is so vague or ambiguous that a party cannot reasonably frame an

answer, the party may move for a more definite statement before answering. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed within 15 days after entry of the order or within such other time as the court may fix, the court may strike the pleading to which the motion was directed or make such order as it deems just.

(e) Motion to Strike

On motion made by a party before responding to a pleading or, if no responsive pleading is required by these rules, on motion made by a party within 15 days after the service of the pleading or on the court's own initiative at any time, the court may order any insufficient defense or any improper, immaterial, impertinent, or scandalous matter stricken from any pleading or may order any pleading that is late or otherwise not in compliance with these rules stricken in its entirety.

(f) Consolidation of Defenses in Motion

A party who makes a motion under this Rule may join with it any other motions then available to the party. No defense or objection raised pursuant to this Rule is waived by being joined with one or more other such defenses or objections in a motion under this Rule. If a party makes a motion under this Rule but omits any defense or objection then

available to the party that this Rule permits to be raised by motion, the party shall not thereafter make a motion based on the defenses or objections so omitted except as provided in Rule 2-324.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 323 (a) (1), (2), (3) and (4), and the last sentence of (b).

Section (b) is new and is derived in part from FRCP 12 (b).

Subsection (b) (2) replaces former Rules 345 (Demurrer) and 371 b (Demurrer).

Section (c) is new.

Section (d) is new and is derived from FRCP 12 (e). It replaces former Rule 346 (Bill of Particulars).

Section (e) is derived from FRCP 12 (f), and in part from former Rules 301 j and 322.

Section (f) is new and is derived from FRCP 12 (g).

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE--CIRCUIT COURT
CHAPTER 300 - PLEADINGS AND MOTIONS

AMEND Rule 2-323 to delete a certain defense from subsection

(g)(4), as follows:

Rule 2-323. ANSWER

(a) Content

A claim for relief is brought to issue by filing an answer. Every defense of law or fact to a claim for relief in a complaint, counterclaim, cross-claim, or third-party claim shall be asserted in an answer, except as provided by Rule 2-322. If a pleading setting forth a claim for relief does not require a responsive pleading, the adverse party may assert at the trial any defense of law or fact to that claim for relief. The answer shall be stated in short and plain terms and shall contain the following: (1) the defenses permitted by Rule 2-322 (b) that have not been raised by motion, (2) answers to the averments of the claim for relief pursuant to section (c) or (d) of this Rule, and (3) the defenses enumerated in sections (f) and (g) of this Rule.

(b) Preliminary Determination

The defenses of lack of jurisdiction over the subject

matter, failure to state a claim upon which relief can be granted, failure to join a party under Rule 2-211, and governmental immunity shall be determined before trial on application of any party, except that the court may defer the determination of the defense of failure to state a claim upon which relief can be granted until the trial.

(c) Specific Admissions or Denials

Except as permitted by section (d) of this Rule, a party shall admit or deny the averments upon which the adverse party relies. A party without knowledge or information sufficient to form a belief as to the truth of an averment shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. A party may deny designated averments or paragraphs or may generally deny all the averments except averments or paragraphs that are specifically admitted.

(d) General Denials in Specified Causes

When the action in any count is for breach of contract, debt, or tort and the claim for relief is for money only, a party may answer that count by a general denial of liability.

(e) Effect of Failure to Deny

Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damages, are admitted unless denied in the responsive pleading or covered

by a general denial. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided. When appropriate, a party may claim the inability to admit, deny, or explain an averment on the ground that to do so would tend to incriminate the party, and such statement shall not amount to an admission of the averment.

(f) Negative Defenses

Whether proceeding under section (c) or section (d) of this Rule, when a party desires to raise an issue as to (1) the legal existence of a party, including a partnership or a corporation, (2) the capacity of a party to sue or be sued, (3) the authority of a party to sue or be sued in a representative capacity, (4) the averment of the execution of a written instrument, or (5) the averment of the ownership of a motor vehicle, the party shall do so by negative averment, which shall include such supporting particulars as are peculiarly within the pleader's knowledge. If not raised by negative averment, these matters are admitted for the purpose of the pending action. Notwithstanding an admission under this section, the court may require proof of any of these matters upon such terms and conditions, including continuance and allocation of costs, as the court deems proper.

(g) Affirmative Defenses

Whether proceeding under section (c) or section (d) of

this Rule, a party shall set forth by separate defenses: (1) accord and satisfaction, (2) merger of a claim by arbitration into an award, (3) assumption of risk, [(4)] (4) discharge in bankruptcy or insolvency from the plaintiff's claim, (5)] (4) collateral estoppel as a defense to a claim, [(6)] (5) contributory negligence, [(7)] (6) duress, [(8)] (7) estoppel, [(9)] (8) fraud, [(10)] (9) illegality, [(11)] (10) laches, [(12)] (11) payment, [(13)] (12) release, [(14)] (13) res judicata, [(15)] (14) statute of frauds, [(16)] (15) statute of limitations, [(17)] (16) ultra vires, [(18)] (17) usury, [(19)] (18) waiver, [(20)] (19) privilege, and [(21)] (20) total or partial charitable immunity.

In addition, a party may include by separate defense any other matter constituting an avoidance or affirmative defense on legal or equitable grounds. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court shall treat the pleading as if there had been a proper designation, if justice so requires.

(h) Defendant's Information Report

The defendant shall file with the answer an information report substantially in the form included with the summons if (1) the plaintiff has failed to file an information report required by Rule 2-111(a), (2) the defendant disagrees with

anything contained in an information report filed by the plaintiff, (3) the defendant disagrees with a differentiated case management track previously selected by the court, or (4) the defendant has filed or expects to file a counterclaim, cross-claim, or third-party claim. If the defendant fails to file a required information report with the answer, the court may proceed without the defendant's information to assign the action to any track within the court's differentiated case management system or may continue the action on any track previously assigned.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is new.

Section (c) is derived from FRCP 8 (b) and former Rule 372 a 2.

Section (d) is derived from former Rule 342 b 1 and 2.

Section (e) is derived from FRCP 8 (d) and former Rules 372 b and b 1 and 312 b.

Section (f) is derived from former Rules 311 a, 342 c 1, and 2, and 323 a 5 and from FRCP 9 (a).

Section (g) is derived from FRCP 8 (c) and former Rule 342 c 1 and 2.

Section (h) is new.

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 500 - TRIAL

AMEND Rule 2-504.1 to allow a scheduling conference in an action assigned to a family division to be held earlier than
30

days after the entry of the order setting the scheduling

conference, and to make stylistic changes, as follows:

Rule 2-504.1. SCHEDULING CONFERENCE

(a) When Required

In any of the following circumstances, [The] the court shall issue an order requiring the parties to attend a scheduling conference:

(1) in [any] an action placed or likely to be placed in a scheduling category for which the case management plan adopted pursuant to Rule 16-202 b requires a scheduling conference;

(2) in [any] an action in which an objection to computer-generated evidence is filed under Rule 2-504.3 (d);
or

(3) in [any] an action, [upon request of] in which a party [stating that,] requests a scheduling conference and represents that, despite a good faith effort, the parties have been unable to reach an agreement (i) on a plan for the scheduling and completion of discovery, (ii) on the proposal of any party to pursue an available and appropriate form of alternative dispute resolution, or (iii) on any other matter eligible for inclusion in a scheduling order under Rule 2-504.

(b) When Permitted

The court may issue an order in any action requiring

the parties to attend a scheduling conference.

(c) Order for Scheduling Conference

An order setting a scheduling conference may require that the parties, at least ten days before the conference:

(1) complete sufficient initial discovery to enable them to participate in the conference meaningfully and in good faith [in the conference] and to make decisions regarding (A) settlement, (B) consideration of available and appropriate forms of alternative dispute resolution, (C) limitation of issues, (D) stipulations, and (E) other matters that may be considered at the conference; and

(2) confer in person or by telephone and attempt to reach agreement or narrow the areas of disagreement regarding the matters that may be considered at the conference and determine whether the action or any issues in the action are suitable for referral to an alternative dispute resolution process in accordance with Title 17, Chapter 100 of these rules.

(d) Time and Method of Holding Conference

Except (1) upon agreement of the parties, [or] (2) upon a finding of good cause by the court, or (3) in an action assigned to a family division under Rule 16-204 (a)(2), a scheduling conference shall not be held earlier than 30 days after the date of the order. If the court requires the completion of any discovery pursuant to section (c) of this

Rule, it shall afford the parties a reasonable opportunity to complete the discovery. The court may hold a scheduling conference in chambers, in open court, or by telephone or other electronic means.

(e) Scheduling Order

Case management decisions made by the court at or as a result of a scheduling conference shall be included in a scheduling order entered pursuant to Rule 2-504. A court may not order a party or counsel for a party to participate in an alternative dispute resolution process under Rule 2-504 except in accordance with Rule 9-205 or Rule 17-103.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 500 - TRIAL

AMEND Rule 2-505 to provide that the Circuit
Administrative

Judge may designate a county to which a case is to be removed,
as follows:

Rule 2-505. REMOVAL

(a) Grounds

(1) Prejudice

In any action that is subject to removal, and on
issues from the Orphans' Court, any party may file a motion
for removal accompanied by an affidavit alleging that the
party cannot receive a fair and impartial trial in the county
in which the action is pending. If the court finds that there
is reasonable ground to believe that the allegation is
correct, it shall order that the action be removed for trial
to a court of another county. Any party, including a party
who has obtained removal, may obtain further removal pursuant
to this Rule.

(2) Disqualification of all Judges

In any action in which all the judges of the court of
any county are disqualified to sit by the provisions of the

Maryland Constitution, any party, upon motion, shall have the right of removal of the action to a court of another county or, if the action is not removable, the right to have a judge of a court of another county preside in the action.

(b) Designation of Court and Transmittal of Record

The Circuit Administrative Judge of the court ordering removal shall designate the county to which the case is to be removed. When the court orders that the action be removed for trial to a court of another county, the clerk shall transmit the record to that court within five days from entry of the order, unless the court ordering the removal extends the time. The record shall consist of all the original papers filed in the action and a copy of the docket entries.

(c) Striking the Order of Removal

Before the record has actually been transmitted, the court, on motion of the party who obtained the order of removal, may vacate the order.

(d) Order by Court to Which Removed

The court to which an action has been removed may issue a warrant of resurvey or other process to the sheriff, surveyor, or other officer of the county from which the action has been removed.

(e) Return of Papers to Original Court

Within five days after final disposition of the action, including all appeals, the clerk shall transmit all papers in the action and a copy of the docket entries to the court from which the action was first removed.

Cross reference: For limitations on the constitutional right of removal in condemnation cases, see Mayor and City Council

of Baltimore v. Kane, 125 Md. 135 (1915) and Mayor and City Council of Baltimore v. Libowitz, 159 Md. 28 (1930).

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 542 a 1 and 2.
Section (b) is derived from former Rule 542 c 1 and 4.
Section (c) is derived from former Rule 542 d 1.
Section (d) is derived from former Rule 542 g.
Section (e) is derived from former Rule 542 i.

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE -- CIRCUIT COURT

CHAPTER 500 - TRIAL

AMEND Rule 2-541 to conform to the revision of Title 9,
Chapter 200, as follows:

Rule 2-541. MASTERS

. . .

(b) Referral of Cases

(1) Referral of domestic relations matters to a master shall be in accordance with Rule [9-207] 9-208 and shall proceed in accordance with that Rule.

(2) On motion of any party or on its own initiative, the court, by order, may refer to a master any other matter or issue not triable of right before a jury.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-212 to allow a judicial officer in the District Court to issue a warrant for the arrest of a defendant if there is probable cause to believe that the defendant poses a danger to another person or to the community, and to add a certain cross reference, as follows:

Rule 4-212. ISSUANCE, SERVICE, AND EXECUTION OF SUMMONS OR WARRANT

. . .

(d) Warrant -- Issuance; Inspection

(1) In the District Court

A judicial officer may, and upon request of the State's Attorney shall, issue a warrant for the arrest of the defendant, other than a corporation, upon a finding that there is probable cause to believe that the defendant committed the offense charged in the charging document and that (A) the defendant has previously failed to respond to a summons that has been personally served or a citation, or (B) there is a substantial likelihood that the defendant will not respond to a summons, or (C) the whereabouts of the defendant are unknown

and the issuance of a warrant is necessary to subject the defendant to the jurisdiction of the court, or (D) the defendant is in custody for another offense, or (E) there is probable cause to believe that the defendant poses a danger to another person or to the community. A copy of the charging document shall be attached to the warrant.

(2) In the Circuit Court

Upon the request of the State's Attorney, a warrant shall issue for the arrest of a defendant, other than a corporation, if an information has been filed against the defendant and the circuit court or the District Court has made a finding that there is probable cause to believe that the defendant committed the offense charged in the charging document or if an indictment has been filed against the defendant; and (A) the defendant has not been processed and released pursuant to Rule 4-216, or (B) the court finds there is a substantial likelihood that the defendant will not respond to a summons. A copy of the charging document shall be attached to the warrant. Unless the court finds that there is a substantial likelihood that the defendant will not respond to a criminal summons, a warrant shall not issue for a defendant who has been processed and released pursuant to Rule 4-216 if the circuit court charging document is based on the same alleged acts or transactions. When the defendant has

been processed and released pursuant to Rule 4-216, the issuance of a warrant for violation of conditions of release is governed by Rule 4-217.

(3) Inspection of the Warrant and Charging Document

Unless otherwise ordered by the court, files and records of the court pertaining to a warrant issued pursuant to subsection (d)(1) or (d)(2) of this Rule and the charging document upon which the warrant was issued shall not be open to inspection until either (A) the warrant has been served and a return of service has been filed in compliance with section (g) of this Rule or (B) 90 days have elapsed since the warrant was issued. Thereafter, unless sealed pursuant to Rule 4-201 (d), the files and records shall be open to inspection.

Committee note: This subsection does not preclude the release of otherwise available statistical information concerning an unserved warrant nor does it prohibit a State's Attorney or peace officer from releasing information pertaining to an unserved arrest warrant and charging document.

Cross reference: See Rule 4-201 concerning charging documents. See Code, State Government Article, §10-616 (q), which governs inspection of court records pertaining to an arrest warrant.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-254 to provide that the Circuit Administrative

Judge may designate a county to which a case is to be removed, as follows:

Rule 4-254. REASSIGNMENT AND REMOVAL

(a) Reassignment in District Court

The reassignment of a criminal action pending in the District Court shall be governed by the provisions of Rule 3-505. (b) Removal in Circuit Courts

(1) Capital Cases

When a defendant is charged with an offense for which the maximum penalty is death and either party files a suggestion under oath that the party cannot have a fair and impartial trial in the court in which the action is pending, the court shall order that the action be transferred for trial to another court having jurisdiction. The Circuit Administrative Judge of the court ordering removal shall designate the county to which the case is to be removed. A suggestion by a defendant shall be under the defendant's personal oath. A suggestion filed by the State shall be under

the oath of the State's Attorney.

(2) Non-capital Cases

When a defendant is charged with an offense for which the maximum penalty is not death and either party files a suggestion under oath that the party cannot have a fair and impartial trial in the court in which the action is pending, the court shall order that the action be transferred for trial to another court having jurisdiction only if it is satisfied that the suggestion is true or that there is reasonable ground for it. The Circuit Administrative Judge of the court ordering removal shall designate the county to which the case is to be removed. A party who has obtained one removal may obtain further removal pursuant to this section.

(3) Transfer of Case File - Trial

Upon the filing of an order for removal, the clerk shall transmit the case file and a certified copy of the docket entries to the clerk of the court to which the action is transferred and the action shall proceed as if originally filed there. After final disposition of the action, the clerk shall return a certified copy of the docket entries to the clerk of the court in which the action was originally instituted for entry on the docket as final disposition of the charges.

Source: This Rule is derived as follows:

Section (a) is derived from former M.D.R. 744.
Section (b) is derived from former Rule 744.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 6-122 to change the dollar amount of what constitutes a small estate, and to delete the percentages listed as the amounts of direct and collateral inheritance tax, as follows:

Rule 6-122. PETITIONS

(a) Petition for Probate

The Petition for Probate shall be in the following form:

IN THE ORPHANS' COURT FOR

(OR) _____,

MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

_____ ESTATE NO:

FOR:

[] REGULAR ESTATE [] SMALL ESTATE [] WILL OF NO
ESTATE

PETITION FOR PROBATE PETITION FOR Complete items

Estate value in excess of [\$20,000] \$30,000. (If spouse is sole heir or legatee, \$50,000.) Complete and attach Schedule A.

ADMINISTRATION Estate value of [\$20,000] \$30,000 or less. (If spouse is sole heir or legatee, \$50,000.) Complete and attach Schedule B.

and 5

The petition of:

Name

Address

Name

Address

Name

Address

Each of us states:

1. I am (a) at least 18 years of age and either a citizen of the United States or a permanent resident alien spouse of the decedent or (b) a trust company or any other corporation authorized by law to act as a personal representative.

2. The Decedent,

_____,

was domiciled in

_____,
(County)

State of _____ and died on
the

_____ day of _____,
at

— (place of death)

3. If the decedent was not domiciled in this county at
the time of death, this is the proper office in which to file
this petition because:

—

4. I am entitled to priority of appointment as personal
representative of the decedent's estate pursuant to §5-104 of
the Estates and Trusts Article, Annotated Code of Maryland
because:

—

and I am not excluded by §5-105 (b) of the Estate and Trusts
Article, Annotated Code of Maryland from serving as personal
representative.

5. I have made a diligent search for the decedent's will

and to the best of my knowledge:

[] none exists; or

[] the will dated _____ (including codicils, if
any, dated _____)

accompanying

this petition is the last will and it came into my hands
in

the following manner:

—

and the names and last known addresses of the witnesses are:

6. Other proceedings, if any, regarding the decedent or
the estate are as follows:

—

—.

7. If any information required by paragraphs 2 through 6 has not been furnished, the reason is: _____

—.

8. If appointed, I accept the duties of the office of personal representative and consent to personal jurisdiction in any action brought in this State against me as personal representative or arising out of the duties of the office of personal representative.

WHEREFORE, I request appointment as personal representative of the decedent's estate and the following relief as indicated:

[] that the will and codicils, if any, be admitted to administrative probate;

[] that the will and codicils, if any, be admitted to judicial probate;

[] that the will and codicils, if any, be filed only;

[] that the following additional relief be granted:

SCHEDULE - A

Regular Estate

Estimated Value of Estate and Unsecured Debts

Personal property (approximate value) \$

Real property (approximate value) \$

Value of property subject to:

(a) Direct Inheritance Tax of [1%] %
\$_____

(b) Collateral Inheritance Tax of [10%] % .
\$_____

Unsecured Debts (approximate amount)
\$_____

I solemnly affirm under the penalties of perjury that the contents of the foregoing schedule are true to the best of my knowledge, information, and belief.

Attorney	Petitioner	Date

Address	Petitioner	Date

_____	Petitioner	Date

Telephone Number
(optional)

Telephone Number

.....
...

(FOR REGISTER'S USE)

Safekeeping Wills _____ Custody Wills

Bond Set \$ _____ Deputy

IN THE ORPHANS' COURT FOR

(OR) _____,
MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

_____ ESTATE NO.

SCHEDULE - B

Small Estate - Assets and Debts of the Decedent

1. I have made a diligent search to discover all property
and

debts of the decedent and set forth below are:

(a) A listing of all real and personal property owned by
the

decedent, individually or as tenant in common, and of any
other

property to which the decedent or estate would be entitled,
including descriptions, values, and how the values were
determined:

(b) A listing of all creditors and claimants and the
amounts

claimed, including secured*, contingent and disputed claims:

2. Allowable funeral expenses are \$ _____; statutory family allowances are \$ _____; and expenses of administration claimed are \$ _____.

3. Attached is a List of Interested Persons.

*NOTE: §5-601 [(c)] (d) of the Estates and Trusts Article, Annotated Code of Maryland "For the purpose of this subtitle - value is determined by the fair market value of property less debts of record secured by the property as of the date of death, to the extent that insurance benefits are not payable to the lien holder or secured party for the secured debt."

I solemnly affirm under the penalties of perjury that the contents of the foregoing schedule are true to the best of my knowledge, information, and belief.

_____ _____ Attorney	Petitioner	Date
_____ _____ Address	Petitioner	Date
_____ _____ _____	Petitioner	Date
_____ _____ Telephone Number	Telephone Number (optional)	

(b) Other Petitions

(1) Generally

Except as otherwise provided by the rules in this Title or permitted by the court, an application to the court for an order shall be by petition filed with the register. The petition shall be in writing, shall set forth the relief or order sought, and shall state the legal or factual basis for the relief requested. The petitioner may serve on any

interested person and shall serve on the personal representative and such persons as the court may direct a copy of the petition, together with a notice informing the person served of the right to file a response and the time for filing it.

(2) Response

Any response to the petition shall be filed within 20 days after service or within such shorter time as may be fixed by the court for good cause shown. A copy of the response shall be served on the petitioner and the personal representative.

(3) Order of Court

The court shall rule on the petition and enter an appropriate order.

Cross reference: Code, Estates and Trusts Article, §§2-102 (c), 2-105, 5-201 through 5-206, and 7-402.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 200 - SMALL ESTATE

AMEND Rule 6-207 to add another category to the letters of

administration of a small estate, as follows:

Rule 6-207. LETTERS OF ADMINISTRATION

Letters of administration to the personal representative shall be in the following form:

STATE OF MARYLAND

LETTERS OF ADMINISTRATION

OF SMALL ESTATE

Estate No. _____

I certify that administration of the Estate of _____

_____ was

granted on the _____ day of _____, _____,
(month) (year)

to _____
as

personal representative and the appointment is in effect this
_____ day of _____, _____.

(year)

(date)

[] Unprobated Will – Probate Not Required.

Register of Wills for

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE
REGISTER

Cross reference: Code, Estates and Trusts Article, §§6-103
and 6-104.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-404 to modify the information report to reflect

the statutory changes broadening the class of people who are exempt from inheritance tax, as follows:

Rule 6-404. INFORMATION REPORT

Within three months after appointment, the personal representative shall file with the register an information report

in the following form:

[CAPTION]

Date of Death

[] With [] Without

Will

INFORMATION REPORT

1. a. At the time of death did the decedent have any interest

as a joint owner (other than with a [surviving spouse] person
exempted from inheritance tax by Code, Tax General Article,
§7-

203) in any real or leasehold property located in Maryland or any

personal property, including accounts in a credit union, bank,
or

other financial institution?

[] No [] Yes
information

If yes, give the following

as to all such jointly owned

property:

Name, Address, and Relationship Value of Joint Owner Property	Nature of Property	Total of
_____	_____	

_____	_____	

1. b. At the time of death did the decedent have any
interest

in any real or leasehold property located outside of Maryland
either in the decedent's own name or as a tenant in common?

[] No [] Yes

If yes, give the following
information as to such

property:

Address, and Nature of Property	Case Number, Names, and Location of Court Where Any Court Proceeding Has Been Initiated With Reference to the Property

2. Except for a bona fide sale or a transfer to a person
exempted from inheritance tax pursuant to Code, Tax General

Article, §7-203, within two years before death did the
decedent

make any transfer[, other than a bona fide sale,] of any
material

part of the decedent's property in the nature of a final
disposition or distribution, including any transfer that
resulted

in joint ownership of property?

[] No [] Yes

transfer.

If yes, give the following
information as to each

Date of Value Transfer Property	Name, Address, and Rela- tionship of Transferee	Nature of Property Transferred	Total of
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Except for interests passing to a person exempted by Code,

Tax General Article, §7-203, at the time of death did the decedent have (a) any interest less than absolute in real or personal property over which the decedent retained dominion while alive, including a P.O.D. account, (b) any interest in any annuity or other public or private employee pension or benefit plan [that is taxable for federal estate tax purposes,] (c) any interest in real or personal property for life or for a term of years, or (d) any other interest in real or personal property less than absolute, in trust or otherwise?

[] No [] Yes

If yes, give the following information as to each such interest:

and Description of In- terest and Amount Owner, or Value	Date and Type of Instrument Establishing Interest	Name, Address, Relationship of Successor, or Beneficiary

—		

—		

—		

—		

—		

I solemnly affirm under the penalties of perjury that the contents of this report are true to the best of my knowledge, information, and belief.

Date: _____

Personal Representative(s)

Attorney

Address

Telephone Number

Cross reference: Code, Tax General Article, §§7-201 and 7-224. See Code, Estates and Trusts Article, §1-401 and Code, Financial Institutions Article, §1-204 concerning transfers on death of funds in multiple party accounts, including P.O.D. accounts. See in particular §1-204 (b)(8) and (b)(10), defining multiple party and P.O.D. accounts.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-433 to correct a reference to a renumbered section of Rule 6-122, as follows:

Rule 6-433. SUBSEQUENT PROCEDURE ON PETITION TO CAVEAT

The procedure for responding to and deciding the petition to caveat shall be governed by [sections] section (b) [and (c)] of Rule 6-122.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-455 to remove the percentage amount for direct and collateral inheritance tax and to remove the categories listed for exempt distribution, as follows:

Rule 6-455. MODIFIED ADMINISTRATION

(a) Generally

When authorized by law, an election for modified administration may be filed by a personal representative within three (3) months after the appointment of the personal representative.

(b) Form of Election

An election for modified administration shall be in the following form:

BEFORE THE REGISTER OF WILLS FOR _____,
MARYLAND

ESTATE OF _____ Estate No.

ELECTION OF PERSONAL REPRESENTATIVE FOR
MODIFIED ADMINISTRATION

1. I elect Modified Administration. This estate

qualifies

for Modified Administration for the following reasons:

(a) The decedent died on _____ ☐ with a will
or
☐ without a will.

(b) This Election is filed within 3 months from the date
of
my appointment which was on
_____.

(c) ☐ All residuary legatees named in the will or ☐
all

heirs of the intestate decedent are limited to:

☐ The personal representative, ☐ a surviving
spouse,

☐ children of the decedent.

(d) Consents of the persons referenced in 1 (c) are ☐
filed

herewith or ☐ were previously filed.

(e) The estate is solvent and the assets are sufficient to
satisfy all specific legacies.

(f) Final distribution of the estate can be made within 12
months after the date of my appointment.

2. Property of the estate is briefly described as
follows:

Description	Estimated Value

3. I acknowledge that I must file a Final Report Under Modified Administration no later than 10 months after the date of appointment and that, upon request of any interested person, I must provide a full and accurate Inventory and Account to all interested persons.

4. I acknowledge the requirement under Modified Administration to make full distribution within 12 months after the date of appointment and I understand that the Register of Wills and Orphans' Court are prohibited from granting extensions under Modified Administration.

5. I acknowledge and understand that Modified Administration shall continue as long as all the requirements are met. I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information and belief.

Attorney

Personal Representative

Address

Personal Representative

Address

Telephone

(c) Consent

An election for modified administration may be filed if
all the residuary legatees of a testate decedent and the heirs
at

law of an intestate decedent consent in the following form:

BEFORE THE REGISTER OF WILLS FOR _____,
MARYLAND

ESTATE OF _____ Estate No.

CONSENT TO ELECTION FOR
MODIFIED ADMINISTRATION

I am a [] residuary legatee or [] heir of the decedent
who

died intestate. I consent to Modified Administration and
acknowledge that under Modified Administration:

1. Instead of filing a formal Inventory and Account, the
personal representative will file a verified Final Report
Under

Modified Administration no later than 10 months after the date
of

appointment.

2. Upon written request to the personal representative by any legatee not paid in full or any heir-at-law of a decedent who died without a will, a formal Inventory and Account shall be provided by the personal representative to the legatees or heirs of the estate.

3. At any time during administration of the estate, I may revoke Modified Administration by filing a written objection with the Register of Wills. Once filed, the objection is binding on the estate and cannot be withdrawn.

4. If Modified Administration is revoked, the estate will proceed under Administrative Probate and the personal representative shall file a formal Inventory and Account, as required, until the estate is closed.

5. Unless I waive notice of the verified Final Report Under Modified Administration, the personal representative will provide a copy of the Final Report to me, upon its filing which shall be no later than 10 months after the date of appointment.

6. Final Distribution of the estate will occur not later than 12 months after the date of appointment of the personal representative.

Signature of Residuary Legatee
Child
or Heir
Heir

Type or Print Name

[] Surviving Spouse []

[] Residuary Legatee or

serving as Personal
Representative

Signature of Residuary Legatee [] Surviving Spouse []
Child
 or Heir [] Residuary Legatee or
Heir

_____ serving as Personal
Type or Print Name Representative

(d) Final Report

(1) Filing

A verified final report shall be filed no later than
10
months after the date of the personal representative's
appointment.

(2) Copies to Interested Persons

Unless an interested person waives notice of the
verified
final report under modified administration, the personal
representative shall serve a copy of the final report on each
interested person.

(3) Contents

A final report under modified administration shall be
in the following form:

BEFORE THE REGISTER OF WILLS FOR _____,
MARYLAND

ESTATE OF _____ Estate No.

Date of Death _____ Date of Appointment
_____ of Personal Repre-
sentative

FINAL REPORT UNDER MODIFIED ADMINISTRATION

(Must be filed within 10 months after the date of appointment)

I, Personal Representative of the estate, report the following:

1. The estate continues to qualify for Modified Administration as set forth in the Election for Modified Administration on file with the Register of Wills.

2. Attached are the following Schedules and supporting attachments:

Total Schedule A: Reportable Property \$

Total Schedule B: Payments and Disbursements
\$(_____)

Total Schedule C: Distribution of Net Reportable
Property \$

3. I acknowledge that:

(a) Final distributions shall be made within 12 months after the date of my appointment as personal representative.

(b) The Register of Wills and Orphans' Court are prohibited

from granting extensions of time.

(c) If Modified Administration is revoked, the estate shall

proceed under Administrative Probate, and I will file a formal Inventory and Account, as required, until the estate is closed.

I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge,

information, and belief and that any property valued by me which

I have authority as personal representative to appraise has been

valued completely and correctly in accordance with law.

Attorney Signature Personal Representative
Date

Address Personal Representative
Date

Address Personal Representative
Date

Telephone

CERTIFICATE OF SERVICE OF

FINAL REPORT UNDER MODIFIED ADMINISTRATION

I hereby certify that on this ____ day of _____, I delivered or mailed, postage prepaid, a copy of the foregoing Final Report Under Modified Administration and attached Schedules

to the following persons:

Names

Addresses

Attorney

Personal Representative

Address

Personal Representative

City, State, Zip Code

Telephone Number

FOR REGISTER OF WILLS USE

Distributions subject to collateral _____ Tax thereon

tax at [11.111%] _____ %

Distribution subject to collateral _____ Tax thereon

tax at [10%] _____ %

Distribution subject to direct tax _____ Tax thereon

at [1.0101%] _____ %

Distribution subject to direct tax _____ Tax thereon

[at 1%]

Exempt distributions to [spouse] _____

(Identity of the Recipient)

Exempt distributions to [charities] _____

(Identity of the Recipient)

Exempt distributions to [persons
not exceeding \$150 (decedents
dying prior to 1/1/98)] _____

(Identity of the Recipient)

[not exceeding \$1,000 (decedents
dying on or after 1/1/98)]

Total Inheritance Tax due _____

Total Inheritance Tax paid _____

Gross estate _____ Probate Fee & Costs _____
Collected _____

FINAL REPORT UNDER MODIFIED ADMINISTRATION

SUPPORTING SCHEDULE A

REPORTABLE PROPERTY

ESTATE OF _____ Estate No.

Basis of

<u>Item No.</u>	<u>Description</u>	<u>Valuation</u>
<u>Value</u>		

TOTAL REPORTABLE PROPERTY OF THE DECEDENT \$

(Carry forward to Schedule C)

INSTRUCTIONS

ALL REAL AND PERSONAL PROPERTY MUST BE INCLUDED AT DATE OF DEATH VALUE. THIS DOES NOT INCLUDE INCOME EARNED DURING ADMINISTRATION OR CAPITAL GAINS OR LOSSES REALIZED FROM THE SALE

OF PROPERTY DURING ADMINISTRATION. ATTACHED APPRAISALS OR COPY

OF REAL PROPERTY ASSESSMENTS AS REQUIRED:

1. Real and leasehold property: Fair market value must be established by a qualified appraiser. For decedents dying on or after January 1, 1998, in lieu of a formal appraisal, real and leasehold property may be valued at the full cash value for property tax assessment purposes as of the most recent date of finality. This does not apply to property tax assessment purposes on the basis of its use value.

2. The personal representative may value: Debts owed to the decedent, including bonds and notes; bank accounts, building, savings and loan association shares, money and corporate stocks

listed on a national or regional exchange or over the counter securities.

3. All other interests in tangible or intangible property:

Fair market value must be established by a qualified appraiser.

ATTACH ADDITIONAL SCHEDULES AS NEEDED

FINAL REPORT UNDER MODIFIED ADMINISTRATION

SUPPORTING SCHEDULE B

Payments and Disbursements

ESTATE OF _____ Estate
No. _____

<u>Item No.</u> <u>Paid</u>	<u>Description</u>	<u>Amount</u>
--------------------------------	--------------------	---------------

Total Disbursements: \$

(Carry forward to Schedule C)

INSTRUCTIONS

1. Itemize all liens against property of the estate including mortgage balances.

2. Itemize sums paid (or to be paid) within twelve months from the date of appointment for: debts of the decedent, taxes due by the decedent, funeral expenses of the decedent, family

allowance, personal representative and attorney compensation,
probate fee and other administration expenses of the estate.

ATTACH ADDITIONAL SCHEDULES AS NEEDED

FINAL REPORT UNDER MODIFIED ADMINISTRATION

SUPPORTING SCHEDULE C

Distributions of Net Reportable Property

1. SUMMARY OF REPORTABLE PROPERTY

Total from Schedule A

Total from Schedule B.....

Total Net Reportable Property.....

(Schedule A minus Schedule B)

2. SPECIFIC BEQUESTS (If Applicable)

Name of Legatee or Heir	Distributable Share	
Inheritance	of Reportable Estate	Tax
Thereon		

3. DISTRIBUTION OF BALANCE OF ESTATE

Name of Legatee or Heir	Distributable Share	
Inheritance	of Reportable Estate	Tax
Thereon		

Total Reportable Distributions	\$
--------------------------------	----

Inheritance Tax	\$
-----------------	----

ATTACH ADDITIONAL SCHEDULES AS NEEDED

(4) Inventory and Account

The provisions of Rule 6-402 (Inventory) and Rule 6-417

(Account) do not apply.

(e) Revocation

(1) Causes for Revocation

A modified administration shall be revoked by:

(A) the filing of a timely request for judicial probate;

(B) the filing of a written objection by an interested person;

(C) the personal representative's filing of a withdrawal of

the election for modified administration;

(D) the court, on its own initiative, or for good cause shown by an interested person or by the register;

(E) the personal representative's failure to timely file the final report and make distribution within 12 months after the

date of appointment, or to comply with any other provision of this Rule or Code, Estate and Trusts Article, §§5-701 through 5-710.

(2) Notice of Revocation

The register shall serve notice of revocation on each interested person.

(3) Consequences of Revocation

Upon revocation, the personal representative shall file a

formal inventory and account with the register pursuant to Rules

6-402 and 6-417. The inventory and account shall be filed within

the time provided by Rules 6-402 and 6-417, or, if the deadline

for filing has passed, within 30 days after service of the register's notice of revocation.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 100 - APPEALS FROM THE DISTRICT COURT TO

THE CIRCUIT COURT

AMEND Rule 7-102 to move part of the Rule into a cross reference, to include a reference to peace orders, and to reverse the order of the two sections of the Rule, as follows:

Rule 7-102. MODES OF APPEAL

(a) De Novo

Except as provided in section (b) of this Rule, an appeal shall be tried de novo in all civil and criminal actions.

Cross reference: For examples of appeals to the circuit court that are tried de novo, see Code, Courts Article, §12-401 (f), concerning a criminal action in which sentence has been imposed or suspended following a plea of guilty or nolo contendere and an appeal in a municipal infraction or Code violation case; Code, Courts Article, §3-1506, concerning an appeal from the grant or denial of a petition seeking a peace order; and Code, Family Law Article, §4-507, concerning an appeal from the grant or denial of a petition seeking relief from abuse.

~~[(a)]~~ (b) On the Record

An appeal shall be heard on the record made in the District Court in the following cases:

(1) a civil action in which the amount in controversy exceeds \$2,500 exclusive of interest, costs, and attorney's

fees if attorney's fees are recoverable by law or contract;

(2) any matter arising under §4-401 (7)(ii) of the Courts Article;

(3) any civil or criminal action in which the parties so agree;

(4) an appeal from an order or judgment of direct criminal contempt if the sentence imposed by the District Court was less than 90 days' imprisonment; and

(5) an appeal by the State from a judgment quashing or dismissing a charging document or granting a motion to dismiss in a criminal case.

[(b) De Novo

An appeal shall be tried de novo in all other civil and criminal actions, including a criminal action in which sentence has been imposed or suspended following a plea of guilty or nolo contendere, an appeal in a municipal infraction or Code violation case, and an appeal under Code, Family Law Article §4-507 from the granting or denying of a petition seeking relief from abuse.]

Source: This Rule is new but is derived in part from Code, Courts Article, §12-401 (b), (c), and (f).

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 100 - APPEALS FROM THE DISTRICT COURT TO

THE CIRCUIT COURT

AMEND Rule 7-112 to add a new section and cross reference pertaining to peace orders, as follows:

Rule 7-112. APPEALS HEARD DE NOVO

(a) Scope

This Rule applies only to appeals heard de novo in the circuit court.

(b) District Court Judgment

The District Court judgment shall remain in effect pending the appeal unless and until superseded by a judgment of the circuit court or, in a criminal action, a disposition by nolle prosequi or stet entered in the circuit court.

(c) Modification of Peace Orders Pending Appeal

In an appeal from the grant or denial of a peace order, the circuit court, on its own initiative or on motion of any party, may modify, stay, or issue a peace order for good cause shown pending the determination of the appeal.

Cross reference: Grounds for the issuance of a peace order are set forth in Title 3, Subtitle 15 of Code, Courts Article.

[(c)] (d) Procedure in Circuit Court

(1) The form and sufficiency of pleadings in an appeal to be heard de novo are governed by the rules applicable in the District Court. A charging document may be amended pursuant to Rule 4-204.

(2) If the action in the District Court was tried under Rule 3-701, there shall be no pretrial discovery under Chapter 400 of Title 2, the circuit court shall conduct the trial de novo in an informal manner, and Title 5 of these rules does not apply to the proceedings.

(3) Except as otherwise provided in this section, the appeal shall proceed in accordance with the rules governing cases instituted in the circuit court.

Cross reference: See Rule 2-327 concerning the waiver of a jury trial on appeal from certain judgments entered in the District Court in civil actions.

[(d)] (e) Withdrawal of Appeal; Entry of Judgment

(1) An appeal shall be considered withdrawn if the appellant files a notice withdrawing the appeal or fails to appear as required for trial or any other proceeding on the appeal.

(2) Upon a withdrawal of the appeal, the circuit court shall dismiss the appeal, and the clerk shall promptly return the file to the District Court. Any statement of satisfaction shall be docketed in the District Court.

(3) On motion filed in the circuit court within 30 days

after entry of a judgment dismissing an appeal, the circuit court, for good cause shown, may reinstate the appeal upon the terms it finds proper. On motion of any party filed more than 30 days after entry of a judgment dismissing an appeal, the court may reinstate the appeal only upon a finding of fraud, mistake, or irregularity. If the appeal is reinstated, the circuit court shall notify the District Court of the reinstatement and request the District Court to return the file.

Source: This Rule is derived in part from former Rule 1314.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 8-113 by removing a sentence from section (a) and

making a certain stylistic change, as follows:

Rule 8-113. COURT PAPERS -- DUTY OF CLERK

(a) Opinions

All opinions of the Court shall be filed with the Clerk. [The Court of Special Appeals shall designate for publication only those opinions that have substantial general interest as precedent.] The Clerk shall deliver a certified copy of each opinion to be ~~published~~ reported to the State Reporter for inclusion in the State Reports.

(b) Record on Appeal

(1) Request by Governor - Criminal Cases

When requested by the Governor, the Clerk may send to the Governor the record on appeal in a criminal case. The Clerk shall obtain a receipt.

(2) For Preparation of Record Extract

When necessary for preparation of a record extract and on request of a party, the Clerk may send all or part of

the record on appeal to a commercial printer or photocopier for reproduction.

(3) Removal to State Archives

The Clerk shall deliver the original records to the State Archives for permanent retention in accordance with the procedures established by the State Archivist and Records Management Division.

(c) Other Court Papers

Except as otherwise provided in this Rule, the Clerk shall not release any original court paper without permission of the Court and the receipt of the party to whom it is delivered.

Source: This Rule is derived as follows:

Section (a) is derived from former Rules 1092 a and b and 891 a.

Section (b) is derived from former Rules 1091 a and 891 b.

Section (c) is derived from former Rules 1091 b and 891 c.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS AND

COURT OF SPECIAL APPEALS

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 8-122 (b) to change the caption of an appeal in adoption and guardianship proceedings, as follows:

Rule 8-122. APPEALS FROM PROCEEDINGS FOR ADOPTION OR GUARDIANSHIP - CONFIDENTIALITY

(a) Scope

This Rule applies to an appeal from an order relating to a child in a proceeding for adoption or for guardianship with right to consent to adoption or long-term care short of adoption.

(b) Caption

The proceeding shall be styled "In re Adoption/
Guardianship [No. in the Circuit Court for] of
.....
.....(first name and initial of last name
of adoptee or ward)".

(c) Confidentiality

The last name of the child, the natural parents of the child, and the adopting parents shall not be used in any

opinion, oral argument, brief, record extract, petition, or other document pertaining to the appeal that is generally available to the public. The parties, with the approval of the appellate court, may waive the requirements of this section.

(d) Transmittal of Record

The record shall be transmitted to the appellate court in a manner that ensures the secrecy of its contents.

(e) Access to the Record

(1) Adoption Proceeding

Except by order of the Court and subject to reasonable conditions and restrictions imposed by the Court, the record in an appeal from an adoption proceeding shall be open to inspection only by the Court and authorized court personnel.

(2) Guardianship Proceeding

Except by order of the Court, the record in an appeal from a guardianship proceeding shall be open to inspection only by the Court, authorized court personnel, parties, and their attorneys.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-501 to delete the reference to the opinion or jury instructions of the trial court in section (c), to delete the reference to the opinion of the Court of Special Appeals, and to delete the second sentence of section (k), as follows:

Rule 8-501. RECORD EXTRACT

. . .

(c) Contents

The record extract shall contain all parts of the record that are reasonably necessary for the determination of the questions presented by the appeal and any cross-appeal. It shall include the judgment appealed from[; the opinion or jury instructions of the trial court, if any; the opinion of the Court of Special Appeals if the case has been decided by that Court;] and such other parts of the record as are designated by the parties pursuant to section (d) of this Rule. The record extract shall not include those parts of the record that support facts set forth in an agreed statement of

facts or stipulation made pursuant to section (g) of this Rule nor any part of a memorandum of law in the trial court, unless it has independent relevance. The fact that a part of the record is not included in the record extract shall not preclude a party from relying on it or the appellate court from considering it.

. . .

(k) Record Extract in Court of Appeals on Review of Case From Court of Special Appeals

When a writ of certiorari is issued to review a case pending in or decided by the Court of Special Appeals, unless the Court of Appeals orders otherwise, the appellant shall file in that Court 20 copies of any record extract that was filed in the Court of Special Appeals within the time the appellant's brief is due. [In those cases, any opinion of the Court of Special Appeals shall be included as an appendix to the appellant's brief in the Court of Appeals.] If a record extract was not filed in the Court of Special Appeals or if the Court of Appeals orders that a new record extract be filed, the appellant shall prepare and file a record extract pursuant to this Rule.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS
CHAPTER 500 - RECORD EXTRACTS, BRIEFS, AND ARGUMENT

AMEND Rule 8-502 (c) to add language pertaining to the filing of record extracts, as follows:

Rule 8-502. FILING OF BRIEFS

(a) Duty to File; Time

Unless otherwise ordered by the appellate court:

(1) Appellant's Brief

Within 40 days after the filing of the record, an appellant other than a cross-appellant shall file a brief conforming to the requirements of Rule 8-503.

(2) Appellee's Brief

Within 30 days after the filing of the appellant's brief, the appellee shall file a brief conforming to the requirements of Rule 8-503.

(3) Appellant's Reply Brief

The appellant may file a reply brief within 20 days after the filing of the appellee's brief, but in any event not later than ten days before the date of scheduled argument.

(4) Cross-appellant's Brief

An appellee who is also a cross-appellant shall include in the brief filed pursuant to subsection (2) of this section the issues and arguments on the cross-appeal as well as the response to the brief of the appellant, and shall not file a separate cross-appellant's brief.

(5) Cross-appellee's Brief

Within 30 days after the filing of that brief, the appellant/cross-appellee shall file a brief in response to the issues and argument raised on the cross-appeal and shall include any reply to the appellee's response that the appellant wishes to file.

(6) Cross-appellant's Reply Brief

The appellee/cross-appellant may file a reply to the cross-appellee's response within 20 days after the filing of the cross-appellee's brief, but in any event not later than ten days before the date of scheduled argument.

(7) Multiple Appellants or Appellees

In an appeal involving more than one appellant or appellee, including actions consolidated for purposes of the appeal, any number of appellants or appellees may join in a single brief.

(8) Court of Special Appeals Review of Discharge for Unconstitutionality of Law

No briefs need be filed in a review by the Court of

Special Appeals under Code, Courts Article, §3-706.

(b) Extension of Time

The time for filing a brief may be extended by (1) stipulation of counsel filed with the clerk so long as the appellant's brief and the appellee's brief are filed at least 30 days, and any reply brief is filed at least ten days, before the scheduled argument, or (2) order of the appellate court entered on its own initiative or on motion filed pursuant to Rule 1-204.

(c) Filing and Service

In an appeal to the Court of Special Appeals, 15 copies of each brief and record extract shall be filed. In the Court of Appeals, 20 copies of each brief and record extract shall be filed, unless otherwise ordered by the court. Two copies of each brief and record extract shall be served on each party pursuant to Rule 1-321.

(d) Default

If an appellant fails to file a brief within the time prescribed by this Rule, the appeal may be dismissed pursuant to Rule 8-602 (a)(7). An appellee who fails to file a brief within the time prescribed by this Rule may not present argument except with permission of the Court.

Source: This Rule is derived from former Rules 1030 and 830 with the exceptions of subsection (a)(8) which is derived from the last sentence of former Rule Z56 and of subsection (b)(2)

which is in part derived from Rule 833 and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-504 (b) to change the tagline, to delete the reference to criminal cases, and to add rulings to be included in the appellant's appendix to the brief, as follows:

Rule 8-504. CONTENTS OF BRIEF

(a) Contents

A brief shall contain the items listed in the following order:

(1) A table of contents and a table of citations of cases, constitutional provisions, statutes, ordinances, rules, and regulations, with cases alphabetically arranged. When a reported Maryland case is cited, the citation shall include a reference to the official Report.

(2) A brief statement of the case, indicating the nature of the case, the course of the proceedings, and the disposition in the lower court, except that the appellee's brief shall not contain a statement of the case unless the appellee disagrees with the statement in the appellant's brief.

(3) A statement of the questions presented, separately numbered, indicating the legal propositions involved and the questions of fact at issue expressed in the terms and circumstances of the case without unnecessary detail.

(4) A clear concise statement of the facts material to a determination of the questions presented, except that the appellee's brief shall contain a statement of only those additional facts necessary to correct or amplify the statement in the appellant's brief. Reference shall be made to the pages of the record extract supporting the assertions. If pursuant to these rules or by leave of court a record extract is not filed, reference shall be made to the pages of the record or to the transcript of testimony as contained in the record.

Cross reference: Rule 8-111 (b).

(5) Argument in support of the party's position.

(6) A short conclusion stating the precise relief sought.

(7) The citation and verbatim text of all pertinent constitutional provisions, statutes, ordinances, rules, and regulations except that the appellee's brief shall contain only those not included in the appellant's brief.

(8) If the brief is prepared with proportionally spaced type, the font used and the type size in points shall be stated on the last page.

Cross reference: For requirements concerning the form of a brief, see Rule 8-112.

(b) [In the Court of Special Appeals -- Extract of Instructions or Opinion in Criminal Cases] Appendix

[In criminal cases in the Court of Special Appeals, the] The appellant shall reproduce, as an appendix to the brief, the pertinent part of [any] every ruling, opinion, or jury [instructions or opinion] instruction of [the] each lower court that deals with points raised by the appellant on appeal. If the appellee believes that the part reproduced by the appellant is inadequate, the appellee shall reproduce, as an appendix to the appellee's brief, any additional part of the instructions or opinion believed necessary by the appellee.

(c) Effect of Noncompliance

For noncompliance with this Rule, the appellate court may dismiss the appeal or make any other appropriate order with respect to the case, including an order that an improperly prepared brief be reproduced at the expense of the attorney for the party for whom the brief was filed.

Source: This Rule is derived as follows:

Section (a) is derived from former Rules 831 c and d and 1031 c 1 through 5 and d 1 through 5, with the exception of subsection (a)(6) which is derived from FRAP 28 (a)(5).

Section (b) is derived from former Rule 1031 c 6 and d 6.

Section (c) is derived from former Rules 831 g and 1031 f.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 600 - DISPOSITION

ADD new Rule 8-605.1, as follows:

Rule 8-605.1. REPORTING OF OPINIONS OF THE COURT OF SPECIAL APPEALS

(a) Reporting of Opinions

The Court of Special Appeals shall designate for reporting only those opinions that are of substantial interest as precedents.

(b) Request for Reporting of Unreported Opinion

At any time before the mandate issues, the Court of Special Appeals, on its own initiative or at the request of a party or nonparty filed before the date on which the mandate is due to be issued, may designate for reporting an opinion previously designated as unreported. An unreported opinion may not be designated for reporting after the mandate has issued.

Cross reference: Rule 8-606 (f).

Source: This Rule is derived as follows:

Section (a) is derived from Rule 8-113 (a).

Section (b) is new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING PARENTAL RIGHTS

AMEND Rule 9-103 to add to the petition a certain statement

concerning facts known to each petitioner that may be indicative

of a certain disability of a party, as follows:

Rule 9-103. PETITION

(a) Titling of Case

Except as otherwise provided in Rule 9-105, a proceeding shall be titled, "In the matter of the Petition of

_____ (name of petitioner(s))

for the Adoption of [a Minor] [an Adult]," or "In the matter of

the Petition of

_____ (name of petitioner(s))

for Guardianship with Right to Consent to Adoption or Long-Term Care Short of Adoption," as the case may be.

(b) Petition for Adoption

(1) Contents

A petition for adoption shall be signed and verified

by each petitioner and shall contain the following information:

(A) The name, address, age, business or employment, and employer of each petitioner;

(B) The name, sex, and date and place of birth of the person to be adopted;

(C) The name, address, and age of each parent of the person to be adopted;

(D) Any relationship of the person to be adopted to each petitioner;

(E) The name, address, and age of each child of each petitioner;

(F) A statement of how the person to be adopted was located (including names and addresses of all intermediaries or surrogates), attaching a copy of all advertisements used to locate the person, and a copy of any surrogacy contract;

Committee note: If the text of an advertisement was used verbatim more than once, the requirement that a copy of all advertisements be attached to the petition may be satisfied by attaching a single copy of the advertisement, together with a list of the publications in which the advertisement appeared and the dates on which it appeared.

(G) If the person to be adopted is a minor, the names and addresses of all persons who have had legal or physical care, custody, or control of the minor since the minor's birth and the period of time during which each of those persons has had care, custody, or control, but it is not necessary to

identify the names and addresses of foster parents, other than a petitioner, who have taken care of the minor only while the minor has been committed to the custody of a child placement agency;

(H) If the person to be adopted is a minor who has been transported from another state to this State for purposes of placement for adoption, a statement of whether there has been compliance with the Interstate Compact on the Placement of Children (ICPC);

(I) If applicable, the reason why the spouse of the petitioner is not joining in the petition;

(J) If there is a guardian with the right to consent to adoption for the person to be adopted, the name and address of the guardian and a reference to the proceeding in which the guardian was appointed;

(K) Facts known to each petitioner that may indicate that a party has a disability that makes the party incapable of consenting or participating in the proceedings, or, if no such facts are known to the petitioner, a statement to that effect;

[(K)] (L) Facts known to each petitioner that may entitle the person to be adopted or a parent of that person to the appointment of an attorney by the court;

[(L)] (M) If a petitioner desires to change the name of the person to be adopted, the name that is desired;

[(M)] (N) As to each petitioner, a statement whether the petitioner has ever been convicted of a crime other than a minor traffic violation and, if so, the offense and the date and place of the conviction;

[(N)] (O) That the petitioner is not aware that any required consent has been revoked; and

[(O)] (P) If placement pending final action on the petition is sought in accordance with Code, Family Law Article, §5-507 (c), a request that the court approve the proposed placement.

(2) Exhibits

(A) The following documents shall accompany the petition as exhibits:

(i) A certified copy of the birth certificate or "proof of live birth" of the person to be adopted;

(ii) A certified copy of the marriage certificate of each married petitioner;

(iii) A certified copy of all judgments of divorce of each petitioner;

(iv) A certified copy of any death certificate of a person whose consent would be required if that person were living;

(v) A certified copy of all orders concerning temporary custody or guardianship of the person to be adopted;

(vi) A copy of any pre-placement report concerning a petitioner;

(vii) A document evidencing the annual income of each petitioner;

(viii) The original of all consents to the adoption and, if available, a copy of any written statement by the consenting person indicating a desire to revoke the consent, whether or not that statement constitutes a valid revocation;

Cross reference: Code, Family Law Article, §5-311.

(ix) If a parent of the person to be adopted cannot be identified or located, an affidavit of each petitioner and the other parent describing the attempts to identify and locate the unknown or missing parent;

(x) A copy of any agreement between a parent of the person to be adopted and a petitioner relating to the proposed adoption;

(xi) If the adoption is subject to the Interstate Compact on the Placement of Children, the appropriate ICPC approval forms; and

Cross reference: Code, Family Law Article, §5-601.

(xii) A brief statement of the health of each petitioner signed by a physician or other health care provider.

(B) The following documents shall be filed before a judgment of adoption is entered:

(i) Any post-placement report relating to the adoption;

(ii) A brief statement of the health of the child by a physician or other health care provider;

(iii) If required by law, an accounting of all payments and disbursements of any money or item of value made by or on behalf of each petitioner in connection with the adoption;

Cross reference: Code, Family Law Article, §5-327 (c).

(iv) An affidavit of counsel, if any, for a minor parent or parent under a disability attesting to the voluntariness of the parent's consent;

Cross reference: Code, Family Law Article, §5-314 (b).

(v) If the adoption is subject to the Interstate Compact on the Placement of Children, the required post-placement form;

(vi) A proposed judgment of adoption; and

(vii) A Department of Health and Mental Hygiene Certificate of Adoption Form.

Cross reference: Code, Health-General Article, §4-211 (f).

(c) Petition for Guardianship

A petition for guardianship shall state all facts

required by subsection (b)(1) of this Rule, to the extent that the requirements are applicable and known to the petitioner. It shall be accompanied by all documents required to be filed as exhibits by subsection (b)(2) of this Rule, to the extent the documents are applicable. The petition shall also state the license number of the child placement agency.

Cross reference: Code, Family Law Article, §5-317 (b).

(d) If facts Unknown or Documents Unavailable

If a fact required by subsection (b)(1) or section (c) of this Rule is unknown to a petitioner or if a document required by subsection (b)(2) or section (c) is unavailable, the petitioner shall so state and give the reason in the petition or in a subsequent affidavit. If a document required to be submitted with the petition becomes available after the petition is filed, the petitioner shall file it as soon as it becomes available.

(e) Judgment from Foreign Country

When a judgment of adoption or guardianship is sought pursuant to Code, Family Law Article, §5-313.1, an exemplified copy of the judgment granted by the foreign jurisdiction shall be filed with the petition.

Committee note: For exemplification procedure, see Federal Rule of Civil Procedure 44 (a)(2).

(f) Disclosure of Facts Known to Child Placement Agency

If any fact required by subsection (b)(1) of this Rule

to be stated is known to a child placement agency and the agency declines to disclose it to a petitioner, the agency shall disclose the fact to the court in writing at the time the petition is filed.

Source: This Rule is derived in part from former Rule D72, in part from former Rule D80, and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING PARENTAL RIGHTS

AMEND Rule 9-105 to add a certain procedure to determine whether a party has a certain disability, to clarify that the request for appointment of attorney is printed on the notice of

objection form, to change the number of notice of objection forms

that are served, to revise certain notices in the show cause order and notice of objection, and to make certain stylistic changes, as follows:

Rule 9-105. SHOW CAUSE ORDER; DISABILITY OF A PARTY; OTHER NOTICE

(a) Requirement

(1) Generally

Upon the filing of a petition for adoption or guardianship, the court shall enter a show cause order in the form set forth in section (h) of this Rule unless all parties entitled to service of the show cause order under section (b) of this Rule have consented to the adoption or guardianship. If the petition seeks adoption of a minor, the show cause order shall not divulge the name of the petitioner. If the

petition seeks appointment of a guardian, the show cause order shall state the name of the child placement agency seeking guardianship.

(2) Determination of Disability of a Party

If the petition alleges facts that indicate that a party has a disability, the court shall (A) appoint an attorney for the party if the party is not represented, (B) set a prompt hearing to determine whether the party has a disability that makes the party incapable of consenting or participating in the proceeding, and (C) cause subpoenas to be issued and served upon the petitioner and the party requiring their attendance at the hearing.

(b) Persons to be Served

(1) In Adoption Proceeding

(A) Subject to paragraphs (1)(B), (1)(C), and (1)(D) of this section, if the petition seeks adoption, the show cause order shall be served on (i) the person to be adopted, if the person is 10 years old or older; (ii) the parents of the person to be adopted; and (iii) any other person the court directs to be served.

(B) If the parental rights of the parents of the person to be adopted have been terminated by a judgment of guardianship with the right to consent to adoption, service shall be on the guardian instead of the parents.

(C) If an attorney has been appointed to represent a parent or the person to be adopted, service shall be on the attorney instead of the parent or person to be adopted.

Cross reference: See Rule 9-106 (a) concerning appointment of attorney.

(D) The show cause order need not be served on: (i) a parent of a person to be adopted if the person to be adopted has been adjudicated to be a child in need of assistance in a prior juvenile proceeding, the petition for adoption is filed by a child placement agency, and the court is satisfied by affidavit or testimony that the petitioner has made reasonable good faith efforts to serve the show cause order on the parent by both certified mail and private process at the addresses specified in Code, Family Law Article, §5-322 (b) and at any other address actually known to the petitioner as one where the parent may be found; or (ii) a person who has executed a written consent pursuant to Rule 9-102.

(2) In a Guardianship Proceeding

(A) Subject to paragraphs (2)(B) and (2)(C) of this section, if the petition seeks guardianship, the show cause order shall be served on (i) the parents of the person for whom a guardian is to be appointed and (ii) any other person that the court directs to be served.

(B) If an attorney has been appointed to represent a parent or the person for whom a guardian is to be appointed,

service shall be on the attorney instead of the parent or person for whom a guardian is to be appointed.

(C) The show cause order need not be served on: (i) a parent of a person for whom a guardian is to be appointed if the person for whom a guardian is to be appointed has been adjudicated to be a child in need of assistance in a prior juvenile proceeding and the court is satisfied by affidavit or testimony that the petitioner has made reasonable good faith efforts to serve the show cause order on the parent by both certified mail and private process at the addresses specified in Code, Family Law Article, §5-322 (b) and at any other address actually known to the petitioner as one where the parent may be found; or (ii) a person who has executed a written consent pursuant to Rule 9-102.

(c) Method of Service

Except as otherwise provided in this Rule, the show cause order shall be served in the manner provided by Rule 2-121. If the court is satisfied by affidavit or testimony that the petitioner or a parent, after reasonable efforts made in good faith, has been unable to ascertain the identity or whereabouts of a parent entitled to service under section (b) of this Rule, the court may order, as to that parent, that the show cause order be published one time. Publication shall be in the county of that parent's last known residence. When a

show cause order is published, unless the court orders otherwise, the show cause order shall identify the individual who is the subject of the proceeding only as "a child born to" followed by the name of any known parent of the child and shall set forth the month, year, county, and state of the child's birth, to the extent known.

Cross reference: See Code, Family Law Article, §5-322 (c)(2)(ii), which provides that an indigent petitioner may serve notice by posting. See Code, Family Law Article, §5-322 (e), setting forth the efforts necessary to support a finding that a reasonable, good faith effort has been made by a local department of social services to locate a parent.

(d) Time for Service

Unless the court orders otherwise, a show cause order that is served in the manner provided by Rule 2-121 shall be served within 90 days after the date it is issued. If service is not made within that period, a new show cause order shall be issued at the request of the petitioner.

(e) Notice of Objection

[When the] A show cause order [is] served pursuant to Rule 2-121, [it] shall be accompanied by two copies of a pre-captioned notice of objection form in substantially the form set forth in section (i) of this Rule.

(f) Additional Notice in a Guardianship

The petitioner in an action for guardianship of a child who has been adjudicated a child in need of assistance in a prior juvenile proceeding shall also send a copy of the petition and show cause order by first class mail to each attorney who represented a parent and to the attorney who represented the child in the juvenile proceeding.

(g) Notice of Change of Name

If the person to be adopted is an adult and the petitioner desires to change the name of the person to be adopted to a surname other than that of the petitioner, notice of a proposed change of name shall also be given in the manner provided in Rule 15-901.

(h) Form of Show Cause Order

The show cause order shall be in substantially the following form:

IMPORTANT

THIS IS A COURT ORDER. IF YOU DO NOT UNDERSTAND WHAT THE

ORDER SAYS, HAVE SOMEONE EXPLAIN IT TO YOU. YOUR RIGHT TO AN ATTORNEY IS EXPLAINED IN PARAGRAPH 3 OF THIS ORDER. IF YOU DO NOT MAKE SURE THAT THE COURT RECEIVES YOUR NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE STATED IN PARAGRAPH 2 OF THIS ORDER, YOU HAVE AGREED TO A TERMINATION OF YOUR PARENTAL RIGHTS.

IN THE MATTER OF A PETITION

IN THE

FOR _____
(adoption/guardianship)

CIRCUIT COURT
FOR

OF _____

(Name of individual who is
the subject of the proceeding)

(county)

(docket reference)

SHOW CAUSE ORDER

TO:

(name of person to be served)

(address, including county)

(relationship of person served to individual who is the
subject
of the proceeding)

You are hereby notified that:

1. *Filing of Petition*

A petition has been filed
for _____ (adoption/guardianship)

of _____
who _____
(name of individual who is the subject of the proceeding)

was born at _____ on _____
_____ (birthplace) (date of birth)

(If the petition is for guardianship, include the following
sentence: The petition was filed by
_____).

(name of child placement
agency seeking
guardianship)

2. Right to Object; Time For Objecting

(A. This portion should be included when the show cause
order is to be served pursuant to Rule 2-121.)

If you wish to object to
the _____,
(adoption/guardianship)

you must file a notice of objection with the clerk of the
court

at _____
(address of courthouse)

within _____ days after this Order is served on you. For
your

convenience, a form notice of objection is attached to this
Order.

(B. This portion should be included when the show cause
order is to be published or posted.)

If you wish to object to
the _____
(adoption/guardianship)

you must file a notice of objection with the clerk of the
court

on or before

(date)

at

_____.
(address of courthouse)

**WHETHER THE PETITION REQUESTS ADOPTION OR GUARDIANSHIP,
IF [YOU DO NOT FILE A] YOU DO NOT MAKE SURE THAT THE COURT
RECEIVES YOUR NOTICE OF OBJECTION [OR A REQUEST FOR AN
ATTORNEY
BY] ON OR BEFORE THE DEADLINE STATED ABOVE, [A JUDGMENT
TERMINATING] YOU HAVE AGREED TO A TERMINATION OF YOUR PARENTAL
RIGHTS [MAY BE ENTERED WITHOUT YOUR CONSENT].**

3. *Right to an Attorney*

(a) You have the right to consult an attorney and obtain
independent legal advice.

(b) An attorney may already have been appointed for you
based on statements in the petition. If an attorney has been
appointed and has already contacted you, you should consult
with that attorney.

(c) If an attorney has not already contacted you, you
may be entitled to have the court appoint an attorney for you

if:

(1) you are the person to be adopted and:

(A) you are at least ten years old but are
not yet 18; or

(B) you are at least ten years old and have
a disability that makes you incapable of
consenting to the adoption or of participating
effectively in the proceeding.

(2) you are the person to be adopted or the person for
whom a guardian is sought and the proceeding

involves

the involuntary termination of the parental rights

of

your parents.

(3) you are a parent of the person to be adopted
or for whom a guardian is sought and:

(A) you are under 18 years of age; or

(B) because of a disability, you are incapable of
consenting to the adoption or guardianship
or of participating effectively in the
proceeding; or

(C) you object to the adoption and cannot afford
to hire an attorney because you are indigent.

IF YOU BELIEVE YOU ARE ENTITLED TO HAVE THE COURT APPOINT AN ATTORNEY FOR YOU AND YOU WANT AN ATTORNEY, YOU MUST NOTIFY THE COURT BEFORE THE TIME YOUR NOTICE OF OBJECTION MUST BE FILED. [YOU MAY FILE A REQUEST FOR AN ATTORNEY WITHOUT FILING A NOTICE OF OBJECTION] IF YOU DO NOT MAKE SURE THAT THE COURT RECEIVES YOUR NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE STATED, YOU HAVE AGREED TO A TERMINATION OF YOUR PARENTAL RIGHTS.

For your convenience, a request for appointment of an attorney is

printed on the notice of objection form attached to this Order.

(Omit the last sentence from a published or posted show cause order.)

(d) If you are a parent of the person to be adopted, you are entitled to consult an attorney chosen by you, even if you are not entitled to an attorney appointed by the court. If you employ an attorney, you may be responsible for any fees and costs charged by that attorney unless this is an adoption proceeding and the adoptive parents agree to pay, or the court orders them to pay all or part of those fees or expenses.

(e) If you wish further information concerning appointment of an attorney by the court or concerning adoption counseling and guidance, you may contact

(name of court official)

(address)

(telephone number)

4. *Option to Receive Adoption Counseling*

If this is an adoption proceeding, you also may have the option to receive adoption counseling and guidance. You may have to pay for that service unless the adoptive parents agree to pay or the court orders them to pay all or part of those charges.

Date of issue: _____

(Judge)

(i) Form of Notice of Objection

The notice of objection shall be in substantially the following form:

IN THE MATTER OF A PETITION

IN THE

FOR _____

CIRCUIT COURT

FOR
(adoption/guardianship)

OF _____

(Name of individual who is
the subject of the proceeding)

(county)

(docket reference)

NOTICE OF OBJECTION

(Instructions to the person served with the show cause order:

IF YOU WISH TO OBJECT, YOU MUST [FILE] MAKE SURE THAT THE COURT RECEIVES YOUR NOTICE OF OBJECTION [WITH THE COURT] ON OR BEFORE THE DEADLINE STATED IN THE SHOW CAUSE ORDER. You may use this form to do so. You need only sign this form, print or type your name, address, and telephone number underneath your signature, and mail or deliver it to the court at the address shown in paragraph 2 of the show cause order. **IF THE COURT HAS NOT RECEIVED YOUR NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE STATED, YOU HAVE AGREED TO A TERMINATION OF YOUR PARENTAL RIGHTS.** If you wish to state your reasons, you may state them on this sheet.)

I object to the _____ of
the

(adoption/guardianship)

above-named individual. My reasons for objecting are as follows:

[(Signature)]

[(Name, printed or typed)]

[(Address)]

[(Telephone number)]

[(j) Form of Request for Attorney

A request for attorney shall be in substantially the following form:]

[REQUEST FOR APPOINTMENT OF AN ATTORNEY]

I do/do not want the Court to appoint an attorney to
(Circle one)

represent me. If I circled that I do want the court to
appoint

an attorney for me, I believe that I am entitled to a court-
appointed attorney because:

(Check appropriate box or boxes)

[] I am the person to be adopted and:

[] I am at least ten years old but am not yet 18; or

[] I am at least ten years old and I have a disability
that makes me incapable of consenting to the
adoption

or of participating effectively in the proceeding;
or

[] the proceeding involves the involuntary termination
of

the parental rights of my parents.

[] I am a parent of the person to be adopted or for whom a

guardian is sought and:

[] I am under 18 years of age; or

[] because of a disability, I am incapable of
consenting

to the adoption or guardianship or of participating
effectively in the proceeding; or

[] I object to the adoption or guardianship and cannot
afford to hire an attorney because I am indigent.

(Signature)

(Name, printed or typed)

(Address)

(Telephone Number)

Committee note: See Rule 9-103 (a). The caption of the petition designated in the show cause order is different from the caption of the case record referred to in Rule 9-103, which is kept by the clerk. The caption in the show cause order preserves the anonymity of the prospective adoptive parents. The caption in the case record preserves the anonymity of the adoptee.

Source: This Rule is in part derived from former Rule D74 and is in part new.

TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY,
CHILD SUPPORT, AND CHILD CUSTODY

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 - (1) Generally
 - (2) When Hearing to be Held
- (j) Costs

Rule 9-209. TESTIMONY

Rule 9-210. ATTACHMENT, SEIZURE, AND SEQUESTRATION

- (a) Alimony From a Nonresident Defendant
- (b) Enforcement of an Order Awarding Child Support,
Alimony, Attorney's Fees, or a Monetary Award

Rule 9-201. SCOPE

The Rules in this Chapter are applicable to a circuit court action in which divorce, annulment, alimony, child support, custody, or visitation is sought. These Rules do not apply to actions in a juvenile court or actions brought solely under Code, Family Law Article, Title 4, Subtitle 5.

Source: This Rule is new.

Rule 9-202. PLEADING

(a) Signing-Telephone Number

A party shall personally sign each pleading filed by that party and, if the party is not represented by an attorney, shall state in the pleading a telephone number at which the party may be reached during ordinary business hours.

Cross reference: See Rule 1-202 (s).

(b) Child Custody

When child custody is an issue, each party shall provide in the party's first pleading the information required by Code, Family Law Article, §9-209.

(c) Amendment to Complaint

Except when a judgment of limited divorce has been entered, a complaint may be amended pursuant to Rule 2-341 to include a ground for divorce that by reason of the passage of sufficient time has become a ground for divorce after the filing of the complaint.

(d) Supplemental Complaint for Absolute Divorce After Judgment of Limited Divorce

A party who has obtained a judgment of limited divorce may file a supplemental complaint for an absolute divorce in the same action in which the limited divorce was granted if

- (1) the sole ground for the absolute divorce is that the basis of the limited divorce by reason of the lapse of sufficient

time has become a ground for an absolute divorce and (2) the supplemental complaint is filed not later than two years after the entry of the judgment of limited divorce. Service of the supplemental complaint shall be in accordance with Rule 1-321 if the defendant has an attorney of record in the action at the time the supplemental complaint is filed. Otherwise, service of the supplemental complaint shall be in accordance with Rule 2-121 or in accordance with Rule 2-122.

Cross reference: For automatic termination of an attorney's appearance, see Rule 2-132.

(e) Financial Statement -- Spousal Support

If spousal support is claimed by a party and either party alleges that no agreement regarding support exists, each party shall file a current financial statement in substantially the form set forth in Rule 9-203 (a). The statement shall be filed with the party's pleading making or responding to the claim. If the claim or the denial of an agreement is made in an answer, the other party shall file a financial statement within 15 days after service of the answer.

(f) Financial Statement -- Child Support

If establishment or modification of child support is claimed by a party, each party shall file a current financial statement under affidavit. The statement shall be filed with the party's pleading making or responding to the claim. If

the establishment or modification of child support in accordance with the guidelines set forth in Code, Family Law Article, §§12-201 - 12-204 is the only support issue in the action and no party claims an amount of support outside of the guidelines, the required financial statement shall be in substantially the form set forth in Rule 9-203 (b).

Otherwise, the statement shall be in substantially the form set forth in Rule 9-203 (a).

Source: This Rule is derived in part from former Rule S72 a, c, and f and is in part new.

Rule 9-203. FINANCIAL STATEMENTS

(a) Financial Statement – General

Unless section (b) of this Rule applies, a Financial Statement required Rule 9-202 shall be in substantially the following form:

[caption of case]

FINANCIAL STATEMENT OF _____
(Name)
(General)

CHILDREN	AGE

MONTHLY EXPENSES

Item	SELF	CHILDREN	TOTAL
A. PRIMARY RESIDENCE			
Mortgage			
Insurance (homeowners)			
Rent/Ground Rent			
Taxes			
Gas & Electric			
Electric Only			
Heat (oil)			
Telephone			

Trash Removal			
Water Bill			
Cell Phone/Pager			
Repairs			
Lawn & Yard Care (snow removal)			
Replacement Furnishings/Appliances			
Condominium Fee (not included elsewhere)			
Painting/Wallpapering			
Carpet Cleaning			
Domestic Assistance/Housekeeper			
Pool			
Other:			
SUB TOTAL			

B. SECONDARY RESIDENCE (i.e. Summer Home/Rental)

Mortgage			
Insurance (homeowners)			
Rent/Ground Rent			
Taxes			
Gas & Electric			
Electric Only			
Heat (oil)			
Telephone			
Trash Removal			
Water Bill			

Cell Phone/Pager			
Repairs			
Lawn & Yard Care (snow removal)			
Replacement Furnishings/Appliances			
Condominium Fee (not included elsewhere)			
Painting/Wallpapering			
Carpet Cleaning			
Domestic Assistance/Housekeeper			
Pool			
Other:			
SUB TOTAL			

**C. OTHER HOUSEHOLD
NECESSITIES**

Food			
Drug Store Items			
Household Supplies			
Other:			
SUB TOTAL			

D. MEDICAL/DENTAL

Health Insurance			
Therapist/Counselor			
Extraordinary Medical			
Dental/Orthodontia			
Opthamologist/Glasses			

Other:			
SUB TOTAL			
E. SCHOOL EXPENSES			
Tuition/Books			
School lunch			
Extracurricular activities			
Clothing/Uniforms			
Room & Board			
Daycare/Nursery School			
Other:			
SUB TOTAL			
F. RECREATION & ENTERTAINMENT			
Vacations			
Videos/Theater			
Dining Out			
Cable TV/Internet			
Allowance			
Camp			
Memberships			
Dance/Music Lessons etc.			
Horseback Riding			
Other:			
SUB TOTAL			
G. TRANSPORTATION EXPENSE			
Automobile Payment			

Automobile Repairs			
Maintenance/Tags/Tires/etc.			
Oil/Gas			
Automobile Insurance			
Parking Fees			
Bus/Taxi			
Other:			
SUB TOTAL			

H. GIFTS			
Holiday Gifts			
Birthdays			
Gifts to others			
Charities			
SUB TOTAL			

J. CLOTHING			
Purchasing			
Laundry			
Alterations/Dry Cleaning			
Other:			
SUB TOTAL			

K. INCIDENTALS			
Books & Magazines			
Newspapers			
Stamps/Stationary			
Banking Expense			
Other:			
SUB TOTAL			

L. MISCELLANEOUS/OTHER			
Alimony/Child Support (from a previous Order)			
Religious Contributions			
Hairdresser/Haircuts			

Manicure/Pedicure			
-------------------	--	--	--

Pets/Boarding			
Life Insurance			
Other:			
SUB TOTAL			
TOTAL MONTHLY EXPENSES:			

Number of Dependent Children _____

INCOME STATEMENT

GROSS MONTHLY WAGES:		\$
Deductions:		
Federal	\$	
State	\$	
Medicare	\$	
F.I.C.A	\$	
Retirement	\$	
Total Deductions:	\$	
NET INCOME FROM WAGES:		\$
OTHER GROSS INCOME: (alimony, part-time job, rentals etc.)		\$
Deductions:		
a.		
b.		

C.	
Total deductions from Other income:	\$
NET OTHER INCOME:	\$
TOTAL MONTHLY INCOME	\$

ASSETS & LIABILITIES

ASSETS:	
Real Estate	\$
Furniture (in the marital home)	\$
Bank Accounts/Savings	\$
U.S. Bonds	\$
Stocks/Investments	\$
Personal Property	\$
Jewelry	\$
Automobiles	\$
Boats	\$
Other:	\$
TOTAL ASSETS:	\$
LIABILITIES:	
Mortgage	\$

Automobiles	\$	
Notes payable to relatives	\$	
Bank Loans	\$	
Accrued Taxes	\$	
Balance of Credit Card Accounts	\$	
a.		
b.		
c.		
Other:		
TOTAL LIABILITIES:		\$
TOTAL NET WORTH:		\$
SUMMARY:		
TOTAL INCOME:		\$
TOTAL EXPENSES:		\$
EXCESS OR DEFICIT:		\$

I solemnly affirm under the penalties of perjury that the contents of the foregoing Financial Statement, Monthly Expense List, and Assets and Liabilities Statement are true to the best of my knowledge, information, and belief.

Date

Signature

(b) Financial Statement – Child Support Guidelines

If the establishment or modification of child support in accordance with the guidelines set forth in Code, Family Law Article, §§12-201 - 12-204 is the only support issue in the action and no party claims an amount of support outside of the guidelines, the financial statement required by section (f) of Rule 9-202 shall be in substantially the following form:

[caption of case]

FINANCIAL STATEMENT
(Child Support Guidelines)

I, _____, state that:

My name

I am the

State Relationship (for example, mother, father, aunt, grandfather, guardian, etc.)
of the minor child(ren):

_____ Name of Birth	_____ Date of Birth	_____ Name	_____ Date
_____ Name of Birth	_____ Date of Birth	_____ Name	_____ Date

_____	_____	_____	_____
Name	Date of Birth	Name	Date
of Birth			

The following is a list of my income and expenses (see below*):

See definitions on other side before filling out.

Total monthly income (before taxes)
\$_____

Child support I am paying for my other child(ren) each month

Alimony I am paying each month to _____

(Name of Person(s))

Alimony I am receiving each month from _____

(Name of Person(s))

For the child or children listed above:

The monthly health insurance premium

Work-related monthly child care expenses

Extraordinary monthly medical expenses

School and transportation expenses

* To figure the monthly amount of expenses, weekly expenses should be multiplied by 4.3 and yearly expenses should be divided by 12. If you do not pay the same amount each month for any of the categories listed, figure what your average monthly expense is.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

Date

Signature

[side 2 of form]

Total Monthly Income: Include income from all sources including self-employment, rent, royalties, business income, salaries, wages, commissions, bonuses, dividends, pensions, interest, trusts, annuities, social security benefits, workers compensation, unemployment benefits, disability benefits, alimony or maintenance received, tips, income from side jobs, severance pay, capital gains, gifts, prizes, lottery winnings, etc. Do not report benefits from means-tested public assistance programs, such as food stamps or AFDC.

Extraordinary Medical Expenses: Uninsured expenses over \$100 for a single illness or condition including orthodontia, dental treatment, asthma treatment, physical therapy, treatment for any chronic health problems, and professional counseling or psychiatric therapy for diagnosed mental disorders.

Child Care Expenses: Actual child care expenses incurred on behalf of a child due to employment or job search of either parent with amount to be determined by actual experience or the level required to provide quality care from a licensed source.

School and Transportation Expenses: Any expenses for attending a special or private elementary or secondary school to meet the

particular needs of the child and expenses for transportation of the child between the homes of the parents.

(c) Amendment to Financial Statement

If there has been a material change in the information furnished by a party in a financial statement filed pursuant to Rule 9-202, the party shall file an amended statement and serve a copy on the other party at least ten days before the scheduled trial date or by any earlier date fixed by the court.

(d) Inspection of Financial Statements

Inspection of a financial statement filed pursuant to the Rules in this Chapter is governed by Code, State Government Article, §10-617 (a) and (f).

Source: This Rule is new.

Rule 9-204. EDUCATIONAL SEMINAR

(a) Applicability

This Rule applies in an action in which child support, custody, or visitation is involved and the court determines to send the parties to an educational seminar designed to minimize disruptive effects of separation and divorce on the lives of children.

Cross reference: Code, Family Law Article, §7-103.2.

(b) Order to Attend Seminar

(1) Subject to subsection (b)(2) of this Rule and as allowed or required by the county's case management plan required by Rule 16-202 b., the court may order the parties to attend an educational seminar within the time set forth in the plan. The content of the seminar shall be as prescribed in section (c) of this Rule. If a party who has been ordered to attend a seminar fails to do so, the court may not use its contempt powers to compel attendance or to punish the party for failure to attend, but may consider the failure as a factor in determining custody and visitation.

(2) A party who (A) is incarcerated, (B) lives outside the State in a jurisdiction where a comparable seminar or course is not available, or (C) establishes good cause for exemption may not be ordered to attend the seminar.

Committee note: Code, Family Law Article, §7-103.2 (c)(2)(v)

prohibits exemption based on evidence of domestic violence, child abuse, or neglect.

(c) Content

The seminar shall consist of one or two sessions, totaling six hours. Topics shall include:

- (1) the emotional impact of divorce on children and parents;
- (2) developmental stages of children and the effects of divorce on children at different stages;
- (3) changes in the parent-child relationship;
- (4) discipline;
- (5) transitions between households;
- (6) skill-building in
 - (A) parental communication with children and with each other,
 - (B) explaining divorce to children,
 - (C) problem-solving and decision-making techniques,
 - (D) conflict resolution,
 - (E) coping strategies,
 - (F) helping children adjust to family changes,
 - (G) avoiding inappropriate interactions with the children, and
 - (H) developing constructive parenting arrangements; and
- (7) resources available in cases of domestic violence, child abuse, and neglect.

(d) Scheduling

The provider of the seminar shall establish scheduling procedures so that parties in actions where domestic violence, child abuse, or neglect is alleged do not attend the seminar at the same time and so that any party who does not wish to attend a

seminar at the same time as the opposing party does not have to do so.

(e) Costs

The fee for the seminar shall be set in accordance with Code, Courts Article, §7-202. Payment may be compelled by order of court and assessed among the parties as the court may direct. For good cause, the court may waive payment of the fee.

Source: This Rule is new.

Rule 9-205. MEDIATION OF CHILD CUSTODY AND VISITATION
DISPUTES

(a) Scope of Rule

This Rule applies to any case under this Chapter in which the custody of or visitation with a minor child is an issue, including an initial action to determine custody or visitation, an action to modify an existing order or judgment as to custody or visitation, and a petition for contempt by reason of non-compliance with an order or judgment governing custody or visitation.

(b) Duty of Court

(1) Promptly after an action subject to this Rule is at issue, the court shall determine whether:

(A) mediation of the dispute as to custody or visitation is appropriate and would likely be beneficial to the parties or the child; and

(B) a properly qualified mediator is available to mediate the dispute.

(2) If a party or a child represents to the Court in good faith that there is a genuine issue of physical or sexual abuse of the party or child, and that, as a result, mediation would be inappropriate, the court shall not order mediation.

(3) If the court concludes that mediation is appropriate and feasible, it shall enter an order requiring the parties to

mediate the custody or visitation dispute. The order may stay some or all further proceedings in the action pending the mediation on terms and conditions set forth in the order.

Cross reference: With respect to subsection b (2) of this Rule, see Rule 1-341 and Rules 3.1 and 3.3 of the Maryland Rules of Professional Conduct.

(c) Scope of Mediation

(1) The court's initial order may not require the parties to attend more than two mediation sessions. For good cause shown and upon the recommendation of the mediator, the court may order up to two additional mediation sessions. The parties may agree to further mediation.

(2) Mediation under this Rule shall be limited to the issues of custody and visitation unless the parties agree otherwise in writing.

(d) If Agreement

If the parties agree on some or all of the disputed issues, the mediator shall prepare a written memorandum of the points of agreement and send copies of it to the parties and their attorneys for review and signature. If the memorandum is signed by the parties as submitted or as modified by the parties, the mediator shall submit it to the court for whatever action the court deems appropriate.

(e) If No Agreement

If no agreement is reached or the mediator determines that mediation is inappropriate, the mediator shall so advise the court but shall not state the reasons. If the court does not order mediation or the case is returned to the court after

mediation without an agreement as to all issues in the case,
the court promptly shall schedule the case for hearing on any
pendente lite or other appropriate relief not covered by a

mediation agreement.

(f) Confidentiality

Except for a memorandum submitted to the court pursuant to section (d) of this Rule, no statement or writing made in the course of mediation is subject to discovery or admissible in evidence in any proceeding under this Chapter unless the parties and their counsel agree otherwise in writing. Neither the mediator nor an attorney may be called as a witness in such a proceeding to give evidence regarding the mediation or custody or visitation.

Cross reference: See Code, Family Law Article, §5-701 et seq. for provisions that require the reporting of suspected child abuse.

(g) Costs

Payment of the compensation, fees, and costs of a mediator may be compelled by order of court and assessed among the parties as the court may direct. In the order for mediation, the court may waive payment of the compensation, fees, and costs.

Cross reference: For the qualifications and selection of mediators, see Rule 17-104.

Source: This Rule is derived from former Rule S73A.

Rule 9-206. CHILD SUPPORT GUIDELINES

(a) Definitions

The following definitions apply in this Rule:

(1) Shared Physical Custody

"Shared physical custody" has the meaning stated in Code, Family Law Article, §12-201 (i).

(2) Worksheet

"Worksheet" means a document to compute child support under the guidelines set forth in Code, Family Law Article, Title 12, Subtitle 2.

(b) Filing of Worksheet

In an action involving the establishment or modification of child support, each party shall file a worksheet in the form set forth in section (c) or (d) of this Rule. Unless the court directs otherwise, the worksheet shall be filed not later than the date of the hearing on the issue of child support.

Cross reference: See Code, Family Law Article, §12-203 (a) and Walsh v. Walsh, 333 Md. 492 (1994).

(c) Primary Physical Custody

Except in cases of shared physical custody, the worksheet shall be in substantially the following form:

_____ In the
 v. _____ Circuit Court for _____
 _____ No. _____

WORKSHEET A - CHILD SUPPORT OBLIGATION: PRIMARY PHYSICAL CUSTODY			
Children	Date of Birth	Children	Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
	Mother	Father	Combined
1. MONTHLY ACTUAL INCOME (Before taxes)	\$ _____	\$ _____	///////// /////////
a. Minus preexisting child support payment actually paid	-	-	///////// /////////
b. Minus health insurance premium (if child included)	-	-	///////// /////////
c. Minus alimony actually paid	-	-	/////////
d. Plus/minus alimony awarded in this case	+/-	+/-	///////// /////////
2. MONTHLY ADJUSTED ACTUAL INCOME	\$ _____	\$ _____	\$ _____
3. PERCENTAGE SHARE OF INCOME (Line 2. Each parent's income divided by Combined Income)	_____ %	_____ %	///////// ///////// /////////
4. BASIC CHILD SUPPORT OBLIGATION (Apply line 2 Combined to Child Support Schedule.)	///////// ///////// /////////	///////// ///////// /////////	\$ _____
a. Work-Related Child Care Expenses Code, FL §12-204 (g)	///////// ///////// /////////	///////// ///////// /////////	+
b. Extraordinary Medical Expenses Code, FL, §12-204 (h)	///////// /////////	///////// /////////	+
c. Additional Expenses Code, FL, §12-204 (i)	///////// /////////	///////// /////////	+
5. TOTAL CHILD SUPPORT OBLIGATION (Add lines 4, 4a, 4b, and 4c.)	///////// /////////	///////// /////////	\$ _____
6. EACH PARENT'S CHILD SUPPORT OBLIGATION (Multiply line 3 times line 5 for each parent.)	\$ _____	\$ _____	///////// ///////// /////////
7. RECOMMENDED CHILD SUPPORT ORDER (Bring down amount from line 6 for the non-custodial parent only. Leave custodial parent column blank.)	\$ _____	\$ _____	///////// ///////// ///////// ///////// /////////

Comments, calculations, or rebuttals to schedule or adjustments if non-custodial parent directly pays extraordinary expenses:	
PREPARED BY:	DATE:

(d) Shared Physical Custody

In cases of shared physical custody, the worksheet shall
be in substantially the following form:

v.

In the
Circuit Court for

No.

WORKSHEET B - CHILD SUPPORT OBLIGATION: SHARED PHYSICAL CUSTODY			
Children _____ _____ _____	Date of Birth _____ _____ _____	Children _____ _____ _____	Date of Birth _____ _____ _____
	Mother	Father	Combined
1. MONTHLY ACTUAL INCOME (Before taxes)			///////// /////////
a. Minus preexisting child support payment actually paid	-	-	///////// ///////// /////////
b. Minus health insurance premium (if child included)	-	-	///////// /////////
c. Minus alimony actually paid	-	-	/////////
d. Plus/minus alimony awarded in this case	+/-	+/-	///////// /////////
2. MONTHLY ADJUSTED ACTUAL INCOME	\$	\$	\$
3. PERCENTAGE SHARE OF INCOME (Line 2. Each parent's income divided by Combined Income)	%	%	///////// ///////// /////////
4. BASIC CHILD SUPPORT OBLIGATION (Apply line 2 Combined to Child Support Schedule.)	///////// ///////// ///////// /////	///////// ///////// ///////// /////	\$
5. ADJUSTED BASIC CHILD SUPPORT OBLIGATION (Line 4 times 1.5)	///////// ///////// ////	///////// ///////// ////	

6. OVERNIGHTS with each parent (must total 365)			365
7. PERCENTAGE WITH EACH PARENT (Line 6 divided by 365)	A %	B %	///////// /////////
STOP HERE IF Line 7 is less than 35% for either parent. Shared physical custody does not apply. (See Worksheet A.)	///////// ///////// ///////// /////////	///////// ///////// ///////// /////////	///////// ///////// ///////// /////////
8. EACH PARENT'S THEORETICAL CHILD SUPPORT OBLIGATION (Multiply line 3 times line 5 for each parent.)	A\$	B\$	///////// ///////// ///////// /////////
9. BASIC CHILD SUPPORT OBLIGATION FOR TIME WITH OTHER PARENT (Multiply line 7A times line 8B and put answer on line 9B. Multiply line 7B times Line 8A and put answer on Line 9A.)	A\$	B\$	///////// ///////// ///////// ///////// ///////// /////////
WORKSHEET B - CHILD SUPPORT OBLIGATION: SHARED PHYSICAL CUSTODY			
10. NET BASIC CHILD SUPPORT OBLIGATION (Subtract lesser amount from greater amount in line 9 and place answer here under column with greater amount in Line 9.)	\$	\$	///////// ///////// ///////// ///////// /////////
11. EXPENSES: a. Work-related Child Care Expenses Code, Family Law Article, §12-204 (g)	///////// ///////// ///////// ///////// /////////	///////// ///////// ///////// ///////// /////////	+
b. Extraordinary Medical Expenses Code, Family Law Article, §12-204 (h)	///////// ///////// ///////// ///////// /////////	///////// ///////// ///////// ///////// /////////	+
c. Additional Expenses Code, Family Law Article, §12-204 (i)	///////// ///////// ///////// /////////	///////// ///////// ///////// /////////	+
12. NET ADJUSTMENT from WORKSHEET C. Enter amount on line h, WORKSHEET C, if applicable. If not continue to Line 13.	\$	\$	///////// ///////// ///////// /////////
13. NET BASIC CHILD SUPPORT OBLIGATION (From Line 10, WORKSHEET B)	\$	\$	///////// ///////// /////////

[illegible]

INSTRUCTIONS FOR WORKSHEET C: Use this Worksheet ONLY if any of the Expenses listed in lines 11a, 11b, or 11c is directly paid out or received by the parents in a different proportion than the percentage share of income entered on line 3 of Worksheet B. Example: If the mother pays all of the day care, or parents split education/medical costs 50/50 and line 3 is other than 50/50. If there is more than one 11c expense, the calculations on lines e and f below must be made for each expense.

WORKSHEET C - FOR ADJUSTMENTS, LINE 12, WORKSHEET B		
	Mother	Father
a. Total amount of direct payments made for Line 11a expenses times each parent's percentage of income (Line 3, WORKSHEET B) (Proportionate share)	\$	\$
b. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line a. above. (The difference between amount paid and proportionate share)	\$	\$

c. Total amount of direct payments made for Line 11b expenses times each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
d. The excess amount of direct payments made by the parent who pays more than the amount calculated on Line c. above.	\$	\$
e. Total amount of direct payments made for Line 11c. expenses times each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
f. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line e. above.	\$	\$
g. For each parent, add lines b, d, and f	\$	\$
h. Subtract lesser amount from greater amount in Line g. above. Place the answer on this line under the lesser amount in Line g. Also enter this answer on Line 12 of WORKSHEET B, in the same parent's column.	\$	\$

Source: This Rule is new.

Rule 9-207. JOINT STATEMENT OF MARITAL AND NON-MARITAL PROPERTY

(a) When Required

When a monetary award or other relief pursuant to Code, Family Law Article, §8-205 is an issue, the parties shall file a joint statement listing all property owned by one or both of them.

(b) Form of Property Statement

The joint statement shall be in substantially the following form:

JOINT STATEMENT OF PARTIES CONCERNING
MARITAL AND NON-MARITAL PROPERTY

1. The parties agree that the following property is "marital property" as defined by Maryland Annotated Code, Family Law Article, §8-201:

Description of Property	How Titled		Fair Market Value		Liens, Encumbrances, or Debt Directly Attributable	
	Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion

2. The parties agree that the following property is not marital property because the property (a) was acquired by one party before marriage, (b) was acquired by one party by inheritance or gift from a third person, (c) has been excluded by valid agreement, or (d) is directly traceable to any of those sources:

Description of Property	Reason Why Non-Marital	How Titled		Fair Market Value		Liens, Encumbrances, or Debt Directly Attributable	
		Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion

3. The parties are not in agreement as to whether the following property is marital or non-marital:

Description of Property	Marital?		How Titled	Fair Market Value		Liens, Encumbrances, or Debt Directly Attributable	
	Husband's Assertion	Wife's Assertion		Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion

--	--	--	--	--	--	--	--	--

Date _____

Plaintiff or Attorney

Date _____

Defendant or Attorney

INSTRUCTIONS:

1. If the parties do not agree about the title or value of any property, the parties shall set forth in the appropriate column a statement that the title or value is in dispute and each party's assertion as to how the property is titled or the fair market value.

2. In listing property that the parties agree is non-marital because the property is directly traceable to any of the listed sources of non-marital property, the parties shall specify the source to which the property is traceable.

(c) Time for Filing; Procedure

The joint statement shall be filed at least ten days before the scheduled trial date or by any earlier date fixed by the court. At least 30 days before the joint statement is due to be filed, each party shall prepare and serve on the

other party a proposed statement in the form set forth in section (b) of this Rule. At least 15 days before the joint statement is due, the plaintiff shall sign and serve on the defendant for approval and signature a proposed joint statement that fairly reflects the positions of the parties. The defendant shall timely file the joint statement, which shall be signed by the defendant or shall be accompanied by a written statement of the specific reasons why the defendant did not sign.

(d) Sanctions

If a party fails to comply with this Rule, the court, on motion or on its own initiative, may enter any orders in regard to the noncompliance that are just, including:

(1) an order that property shall be classified as marital or non-marital in accordance with the statement filed by the complying party;

(2) an order refusing to allow the noncomplying party to oppose designated assertions on the complying party's statement filed pursuant to this Rule, or prohibiting the noncomplying party from introducing designated matters in evidence.

Instead of or in addition to any order, the court, after opportunity for hearing, shall require the noncomplying party or the attorney advising the noncompliance or both of them to

pay the reasonable expenses, including attorney's fees, caused by the noncompliance, unless the court finds that the noncompliance was substantially justified or that other circumstances make an award of expenses unjust.

Committee note: The Joint Statement of Marital and Non-Marital Property is not intended as a substitute for discovery in domestic relations cases.

Source: This Rule is derived from former Rule S74.

Rule 9-208. REFERRAL OF MATTERS TO MASTERS

(a) Referral

(1) As of Course

If a court has a full-time or part-time standing master for domestic relations matters and a hearing has been requested or is required by law, the following matters arising under this Chapter shall be referred to the master as of course unless the court directs otherwise in a specific case:

(A) uncontested divorce, annulment, or alimony;

(B) alimony pendente lite;

(C) child support pendente lite;

(D) support of dependents;

(E) preliminary or pendente lite possession or use of the family home or family-use personal property;

(F) subject to Rule 9-205, pendente lite custody of or visitation with children or modification of an existing order or judgment as to custody or visitation;

(G) subject to Rule 9-205 as to child access disputes, constructive civil contempt by reason of noncompliance with an order or judgment relating to custody of or visitation with a minor child, the payment of alimony or support, or the possession or use of the family home or family-use personal property, following service of a show cause order upon the person alleged to be in contempt;

(H) modification of an existing order or judgment as to the payment of alimony or support or as to the possession or use of the family home or family-use personal property;

(I) counsel fees and assessment of court costs in any matter referred to a master under this Rule;

(J) stay of an earnings withholding order; and

(K) such other matters arising under this Chapter and set forth in the court's case management plan filed pursuant to Rule 16-202 b.

Committee note: Examples of matters that a court may include in its case management plan for referral to a master under subsection (a)(1)(J) of this Rule include scheduling conferences, settlement conferences, uncontested matters in addition to the matters listed in subsection (a)(1)(A) of this Rule, and the application of methods of alternative dispute resolution.

(2) By Order on Agreement of the Parties

By agreement of the parties, any other matter or issue arising under this Chapter that is not triable of right before a jury may be referred to the master by order of the court.

(b) Powers

Subject to the provisions of an order referring a matter or issue to a master, the master has the power to regulate all proceedings in the hearing, including the power to:

(1) direct the issuance of a subpoena to compel the attendance of witnesses and the production of documents or other tangible things;

- (2) administer oaths to witnesses;
- (3) rule on the admissibility of evidence;
- (4) examine witnesses;
- (5) convene, continue, and adjourn the hearing, as required;
- (6) recommend contempt proceedings or other sanctions to the court; and
- (7) recommend findings of fact and conclusions of law.

(c) Hearing

(1) Notice

A written notice of the time and place of the hearing shall be sent to all parties.

(2) Attendance of Witnesses

A party may procure by subpoena the attendance of witnesses and the production of documents or other tangible things at the hearing.

(3) Record

All proceedings before a master shall be recorded either stenographically or electronically, unless the making of the record is waived in writing by all parties. A waiver of the making of a record is also a waiver of the right to file exceptions that would require review of the record for their determination.

(d) Contempt Proceedings; Referral for De Novo Hearing

If, at any time during a hearing on a party's alleged constructive civil contempt, the master concludes that there are reasonable grounds to believe that the party is in contempt and that incarceration may be an appropriate sanction, the master shall (1) set a de novo hearing before a judge of the circuit court, (2) cause the alleged contemnor to be served with a summons to that hearing, and (3) terminate the master's hearing without making a recommendation. If the alleged contemnor is not represented by an attorney, the date of the hearing before the judge shall be at least 20 days after the date of the master's hearing and, before the master terminates the master's hearing, the master shall advise the alleged contemnor on the record of the contents of the notice set forth in Rule 15-206 (c)(2).

(e) Findings and Recommendations

(1) Generally

Except as otherwise provided in section (d) of this Rule, the master shall prepare written recommendations, which shall include a brief statement of the master's findings and shall be accompanied by a proposed order. The master shall notify each party of the recommendations, either on the record at the conclusion of the hearing or by written notice served pursuant to Rule 1-321. In a matter referred pursuant to subsection (a)(1) of this Rule, the written notice shall be

given within ten days after the conclusion of the hearing. In a matter referred pursuant to subsection (a)(2) of this Rule, the written notice shall be given within 30 days after the conclusion of the hearing. Promptly after notifying the parties, the master shall file the recommendations and proposed order with the court.

(2) Supplementary Report

The master may issue a supplementary report and recommendations on the master's own initiative before the court enters an order or judgment. A party may file exceptions to new matters contained in the supplementary report and recommendations in accordance with section (f) of this Rule.

(f) Exceptions

Within ten days after recommendations are placed on the record or served pursuant to section (e) of this Rule, a party may file exceptions with the clerk. Within that period or within ten days after service of the first exceptions, whichever is later, any other party may file exceptions. Exceptions shall be in writing and shall set forth the asserted error with particularity. Any matter not specifically set forth in the exceptions is waived unless the court finds that justice requires otherwise.

(g) Requirements for Excepting Party

At the time the exceptions are filed, the excepting party shall do one of the following: (1) order a transcript of so much of the testimony as is necessary to rule on the exceptions, make an agreement for payment to ensure preparation of the transcript, and file a certificate of compliance stating that the transcript has been ordered and the agreement has been made; (2) file a certification that no transcript is necessary to rule on the exceptions; (3) file an agreed statement of facts in lieu of the transcript; or (4) file an affidavit of indigency and motion requesting that the court accept an electronic recording of the proceedings as the transcript. Within ten days after the entry of an order denying a motion under subsection (g)(4) of this section, the excepting party shall comply with subsection (g)(1). The transcript shall be filed within 30 days after compliance with subsection (g)(1) or within such longer time, not exceeding 60 days after the exceptions are filed, as the master may allow. For good cause shown, the court may shorten or extend the time for the filing of the transcript. The excepting party shall serve a copy of the transcript on the other party. The court may dismiss the exceptions of a party who has not complied with this section.

Cross reference: For the shortening or extension of time requirements, see Rule 1-204.

(h) Entry of Orders

(1) In General

Except as provided in subsections (2) and (3) of this section,

(A) the court shall not direct the entry of an order or judgment based upon the master's recommendations until the expiration of the time for filing exceptions, and, if exceptions are timely filed, until the court rules on the exceptions; and

(B) if exceptions are not timely filed, the court may direct the entry of the order or judgment as recommended by the master.

(2) Immediate Orders

This subsection does not apply to the entry of orders in contempt proceedings. If a master finds that extraordinary circumstances exist and recommends that an order be entered immediately, the court shall review the file and any exhibits and the master's findings and recommendations and shall afford the parties an opportunity for oral argument. The court may accept, reject, or modify the master's recommendations and issue an immediate order. An order entered under this subsection remains subject to a later determination by the court on exceptions.

(3) Contempt Orders

(A) On Recommendation by the Master.

On the recommendation by the master that an individual be found in contempt, the court may hold a hearing and direct the entry of an order at any time. The order may not include a sanction of incarceration.

(B) Following a De Novo Hearing

Upon a referral from the master pursuant to section (d) of this Rule, the court shall hold a de novo hearing and enter any appropriate order.

(i) Hearing on Exceptions

(1) Generally

The court may decide exceptions without a hearing, unless a request for a hearing is filed with the exceptions or by an opposing party within ten days after service of the exceptions. The exceptions shall be decided on the evidence presented to the master unless: (A) the excepting party sets forth with particularity the additional evidence to be offered and the reasons why the evidence was not offered before the master, and (B) the court determines that the additional evidence should be considered. If additional evidence is to be considered, the court may remand the matter to the master to hear and consider the additional evidence or conduct a de novo hearing.

(2) When Hearing to be Held

A hearing on exceptions, if timely requested, shall be held

within 60 days after the filing of the exceptions unless the parties otherwise agree in writing. If a transcript cannot be completed in time for the scheduled hearing and the parties cannot agree to an extension of time or to a statement of facts, the court may use the electronic recording in lieu of the transcript at the hearing or continue the hearing until the transcript is completed.

(j) Costs

The court, by order, may assess among the parties the compensation, fees, and costs of the master and of any transcript.

Committee note: Compensation of a master paid by the State or a county is not assessed as costs.

Cross references: See, Code, Family Law Article, § 10-131, prescribing certain time limits when a stay of an earnings withholding order is requested.

Source: This Rule is derived in part from Rule 2-541 and former Rule S74A and is in part new.

Rule 9-209. TESTIMONY

A judgment granting a divorce, an annulment, or alimony may be entered only upon testimony in person before an examiner or master or in open court. In an uncontested case, testimony shall be taken before an examiner or master unless the court directs otherwise. Testimony of a corroborating witness shall be oral unless otherwise ordered by the court for good cause.

Cross reference: For the requirement of oral testimony by the plaintiff in a divorce action, see Code, Family Law Article, §1-203 (c). For the requirement of corroboration, see Code, Family Law Article, §7-101 (b). For default procedures, see Rule 2-613.

Source: This Rule is derived from former Rules S73 and S75 a.

Rule 9-210. ATTACHMENT, SEIZURE, AND SEQUESTRATION

(a) Alimony From a Nonresident Defendant

A plaintiff who seeks alimony from a nonresident defendant under Code, Family Law Article §11-104, may request an order for the attachment or sequestration of the defendant's property in accordance with the procedures of Rule 2-115. The court may enter any appropriate order regarding the property that is necessary to make the award effective.

(b) Enforcement of an Order Awarding Child Support, Alimony, Attorney's Fees, or a Monetary Award

When the court has ordered child support, alimony, attorney's fees, or a monetary award, the property of a noncomplying obligor may be seized or sequestered in accordance with the procedures of Rules 2-648 and 2-651.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

AMEND Rule 11-106 to add a cross reference following subsection b 3, as follows:

Rule 11-106. Right to Counsel.

. . .

3. Child in Need of Assistance Cases.

A party in a child in need of assistance proceeding is entitled to the assistance of counsel as provided in Section 3-821 of the Courts Article.

Cross reference: See Appendix: The Maryland Rules of Professional Conduct, Rule 1.14 (Client Under a Disability) and Appendix: Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Cases.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 200 - CONTEMPT

AMEND Rule 15-206 to conform to the revision of Title 9,
Chapter 200, as follows:

Rule 15-206. CONSTRUCTIVE CIVIL CONTEMPT

. . .

(c) Content of Order or Petition

(1) An order filed by the court pursuant to subsection (b)(1) of this Rule and a petition filed pursuant to subsection (b)(2) shall comply with Rule 2-303 and shall expressly state whether or not incarceration is sought.

(2) Unless the court finds that a petition for contempt is frivolous on its face, the court shall enter an order providing for (i) a prehearing conference, or (ii) a hearing, or (iii) both. The scheduled hearing date shall allow a reasonable time for the preparation of a defense and may not be less than 20 days after the prehearing conference. An order issued on a petition or on the court's own initiative shall state:

(A) the time within which any answer by the alleged contemnor shall be filed, which, absent good cause, may not be less than ten days after service of the order;

(B) the time and place at which the alleged contemnor shall appear in person for (i) a prehearing conference, or (ii) a hearing, or (iii) both and, if a hearing is scheduled, whether it is before a master pursuant to Rule [9-207 a (1)(G)] 9-208 (a)(1)(G) or before a judge; and

(C) if incarceration to compel compliance with the court's order is sought, a notice to the alleged contemnor in the following form:

TO THE PERSON ALLEGED TO BE IN CONTEMPT OF COURT:

1. It is alleged that you have disobeyed a court order, are in contempt of court, and should go to jail until you obey the court's order.

2. You have the right to have a lawyer. If you already have a lawyer, you should consult the lawyer at once. If you do not now have a lawyer, please note:

(a) A lawyer can be helpful to you by:

(1) explaining the allegations against you;

(2) helping you determine and present any defense to those allegations;

(3) explaining to you the possible outcomes; and

(4) helping you at the hearing.

(b) Even if you do not plan to contest that you are in contempt of court, a lawyer can be helpful.

(c) If you want a lawyer but do not have the money to hire

one, the Public Defender may provide a lawyer for you.

C To find out if the Public Defender will provide a lawyer for you, you must contact the Public Defender after any prehearing conference or master's hearing and **at least 10 business days before the date of a hearing before a judge.**

C If no prehearing conference or master's hearing is scheduled, you should contact the Public Defender as soon as possible, **at least 10 business days before the date of the hearing before the judge.**

C The court clerk will tell you how to contact the Public Defender.

(d) If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.

(e) DO NOT WAIT UNTIL THE DATE OF YOUR COURT HEARING TO GET A LAWYER. If you do not have a lawyer before the court hearing date, the judge may find that you have waived your right to a lawyer, and the hearing may be held with you unrepresented by a lawyer.

3. IF YOU DO NOT APPEAR FOR A SCHEDULED PREHEARING CONFERENCE, MASTER'S HEARING, OR COURT HEARING BEFORE THE JUDGE, YOU WILL BE SUBJECT TO ARREST.

(d) Service of Order

The order, together with a copy of any petition and other document filed in support of the allegation of contempt, shall be served on the alleged contemnor pursuant to Rule 2-121 or 3-121 or, if the alleged contemnor has appeared as a party in the action in which the contempt is charged, in the manner prescribed by the court.

(e) Waiver of Counsel if Incarceration is Sought

(1) Applicability

This section applies if incarceration is sought and applies only to court hearings before a judge.

(2) Appearance in Court Without Counsel

(A) If the alleged contemnor appears in court without counsel, the court shall make certain that the alleged contemnor has received a copy of the order containing notice of the right to counsel or was advised of the contents of the notice in accordance with Rule [9-207 d] 9-208 (d);

(B) If the alleged contemnor indicates a desire to waive counsel, the court shall determine, after an examination of the alleged contemnor on the record, that the waiver is knowing and voluntary;

(C) If the alleged contemnor indicates a desire to have counsel and the court finds that the alleged contemnor received a copy of the order containing notice of the right to counsel or was advised of the contents of the notice pursuant

to Rule [9-207 d] 9-208 (d), the court shall permit the alleged contemnor to explain the appearance without counsel. If the court finds that there is a meritorious reason for the alleged contemnor's appearance without counsel, the court shall continue the action to a later time and advise the alleged contemnor that if counsel does not enter an appearance by that time, the action will proceed with the alleged contemnor unrepresented by counsel. If the court finds that there is no meritorious reason for the alleged contemnor's appearance without counsel, the court may determine that the alleged contemnor has waived counsel by failing or refusing to obtain counsel and may proceed with the hearing.

(3) Discharge of Counsel

If an alleged contemnor requests permission to discharge an attorney whose appearance has been entered, the court shall permit the alleged contemnor to explain the reasons for the request. If the court finds that there is a meritorious reason for the alleged contemnor's request, the court shall permit the discharge of counsel, continue the action if necessary, and advise the alleged contemnor that if new counsel does not enter an appearance by the next scheduled hearing date, the action will be heard with the alleged contemnor unrepresented by counsel. If the court finds (A) that the alleged contemnor received a copy of the order

containing notice of the right to counsel or was advised of the contents of the notice in accordance with Rule [9-207 d] 9-208 (d) and (B) that there is no meritorious reason for the alleged contemnor's request, the court may permit the discharge of counsel but shall first inform the alleged contemnor that the hearing will proceed as scheduled with the alleged contemnor unrepresented by counsel.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE, JUDICIAL
DUTIES, ETC.

AMEND Rule 16-101 to clarify that the Chief Judge of the Court of Appeals may delegate administrative duties to retired judges, to remove certain supervisory duties of the Circuit Administrative Judge over the County Administrative Judge, and to make certain stylistic changes, as follows:

Rule 16-101. Administrative Responsibility.

a. Chief Judge of the Court of Appeals.

1. Generally.

The Chief Judge of the Court of Appeals ~~[is]~~ has overall responsibility for the administration of the courts of ~~[the]~~ this State. ~~[Pursuant to this]~~ In the execution of that responsibility, [he shall appoint, to serve at his pleasure,] the Chief Judge:

(A) may exercise the authority granted by the Rules in this Chapter or otherwise by law;

(B) shall appoint a State Court Administrator to serve at the pleasure of the Chief Judge;

(C) may delegate administrative duties to other persons

within the judicial system, including retired judges recalled pursuant to Md. Constitution, Article IV, §3A; and

(D) [In order to promote the efficient utilization of judicial manpower, the equalization of judicial workloads, and the expeditious disposition of cases, he] may assign a judge of any court[,] other than an Orphans' Court to sit temporarily in any other court [within the judicial system]. [He may delegate administrative, duties within the judicial system.]

2. Pretrial Proceedings in Certain Criminal Cases

The Chief Judge of the Court of Appeals, may by Administrative Order, require in any county a pretrial proceeding in the District Court for an offense within the jurisdiction of the District Court punishable by imprisonment for a period in excess of 90 days.

b. Chief Judge of the Court of Special Appeals.

The Chief Judge of the Court of Special Appeals shall, subject to the direction of the Chief Judge of the Court of Appeals, and pursuant to the provisions of this Title, be responsible for the administration of the Court of Special Appeals. With respect to the administration of the Court of Special Appeals, and to the extent applicable, [he] the Chief Judge of the Court of Special Appeals shall possess the authority granted to a County Administrative Judge in section

d of this Rule.

c. Circuit Administrative Judge.

1. Designation.

In each judicial circuit there shall be a Circuit Administrative Judge[. He], who shall be appointed by order[,] and serve at the pleasure of the Chief Judge of the Court of Appeals[, provided that]. In the absence of any such appointment, the Chief Judge of the judicial circuit shall be the Circuit Administrative Judge.

2. Duties.

[(a) Generally.]

Each Circuit Administrative Judge shall be generally responsible for the administration of the several courts within [his] the judicial circuit, pursuant to these Rules and subject to the direction of the Chief Judge of the Court of Appeals. Each Circuit Administrative Judge shall also be responsible for the supervision of the County Administrative Judges within [his] the judicial circuit and may perform any of the duties of a County Administrative Judge. [He] The Circuit Administrative Judge shall also call a meeting of all judges of [his] the judicial circuit at least once every six months.

[(b) Removed Cases--Approval Authority.]

In the interest of expediting the trial of a removed action,

criminal cause, or issue, and of equalizing judicial work loads to the extent feasible, it shall be the duty of a judge, before exercising removal authority designating a Court within his judicial circuit to which such action, criminal cause, or issue shall be removed, to obtain the approval of the Circuit Administrative Judge for such designation. It shall also be the duty of a judge, before exercising removal authority to a jurisdiction without the judicial circuit, to make inquiry of the Circuit Administrative Judge of the Circuit to which it is proposed to make the removal concerning the trial calendar and judicial work loads of any Court to which it is contemplated the action, criminal cause, or issue may be removed and to give consideration to the recommendations of such Circuit Administrative Judge. The Circuit Administrative Judge, in the interest of expediting the removal process, may at any time or from time to time delegate his approval authority under this Rule to any judge or judges within his judicial circuit.]

Cross reference[s]: For more detailed provisions pertaining to the duties of Circuit Administrative Judges, see section (d) of Rule 4-344 [(d)] (Sentencing -- Review); Rule 16-103 (Assignment of Judges); and Rule 16-104 (Judicial Leave)[; Rule 16-105 (Reports to Be Filed); Rule 15-106 (Court Sessions--Holidays--Time for Convening); Rule 16-201 a (Motion Day). For removal in civil actions and criminal causes, see Rules 2-505 and 4-254].

[Committee note: Section c of this Rule is based on portions of the Court of Appeals Administrative and Procedural

Regulation of July 17, 1967. Under the Rule, and particularly the portions thereof, dealing with the Circuit Administrative Judge, the Chief Judge of the Court of Appeals is free to appoint any judge of a circuit, including but not necessarily limited to the Chief Judge of that circuit, to be Circuit Administrative Judge. The judge so appointed, even if he is not the Chief Judge of the Circuit, exercises the administrative powers granted in this and other rules, such as Rule 16-103, dealing with assignment of judges. The intent of this Rule is to vest administrative power, at the judicial circuit level, in the Circuit Administrative Judge. In this regard, it should be noted that a Chief Judge has no inherent administrative power or authority, with the exception of the right to preside at sessions of his court, when more than one judge is present. See Bean v. Boryea, 81 Cal. 151, 22 Pac. 513 (1889); In re Opinion of the Justices, 271 Mass. 575, 171 N.E. 237, 240 (1930), and 48 C.J.S. "Judges," §2. Under this and other rules, the duty of selecting a panel for review of criminal sentences, as set forth in Article 27, §645JA, of the Code, would be vested in the Circuit Administrative Judge and not the Chief Judge. So would the duty of arranging for a sitting of the court en banc under Article IV, §22, of the Constitution. However, this Rule is not intended to interfere with the present practice of issuing process in the name of the Chief Judge of a Circuit.]

d. County Administrative Judge.

1. Designation.

[In the first seven judicial circuits, the Circuit Administrative Judge of a judicial circuit may, from time to time, and with approval of the] The Chief Judge of the Court of Appeals[, by order] may appoint a judge of the Circuit Court for any county [within his judicial circuit] to be County Administrative Judge of the Circuit Court for [such] that county. A County Administrative Judge [may be replaced by the Circuit Administrative Judge of his circuit with the approval of the Chief Judge of the Court of Appeals or by]

shall serve in that capacity at the pleasure of the Chief
Judge of the Court of Appeals [on his own motion. In the
Eighth Judicial Circuit the Circuit Administrative Judge shall
have all the powers and duties of a County Administrative
Judge].

[Committee note: This is essentially the language of
Paragraph 3 of the July 17, 1967 Administrative and Procedural
Regulation of the Court of Appeals, except that the Circuit
Administrative Judge is made the basic appointing and
replacing authority to emphasize and reinforce his position in
the administrative hierarchy. No express provision is made
for a "County Administrative Judge" in any of the Supreme
Bench courts, since the peculiar organization of these courts
and their present method of functioning seems to make such
unnecessary. The Circuit Administrative Judge in the Eighth
Judicial Circuit is given the powers of a County
Administrative Judge and pursuant to subsection 3 of this
section may delegate portions of his authority to other judges
of the Supreme Bench.]

2. Duties.

Subject to the [general] supervision of the Chief Judge of
the Court of Appeals [and to the direct supervision of his
Circuit Administrative Judge, particularly with reference to
assignment of judges and of cases], a County Administrative
Judge shall be responsible for the administration of justice
and for the administration of the court for [which he is
County Administrative Judge] that county. [His] The duties
shall include:

(i) supervision of all judges, officers, and employees
of [his] the court[, and of officers and employees of court],

including the authority to assign judges within [his] the court pursuant to Rule 16-103 (Assignment of Judges);

(ii) supervision and expeditious disposition of cases filed in [his] the court[,] and the control of the trial calendar and other calendars [therein], including the authority to assign cases for trial and hearing pursuant to Rule 16-102 (Chambers Judge) and Rule 16-202 (Assignment of Actions for Trial);

(iii) preparation of the court's budget [of his court];

(iv) ordering [of] the purchase of all equipment and supplies for [his] the court and its ancillary services, such as master, auditor, examiner, court administrator, court stenographer, jury commissioner, staff of the medical and probation offices, and all additional court personnel other than personnel comprising the Clerk of Court's office;

(v) subject to the approval of a majority of the judges of [his] the court, supervision of[,] and responsibility for[,] the employment, discharge, and classification of court personnel and personnel of its ancillary services and the maintenance of personnel files. However, each judge (subject to budget limitations) shall have the exclusive right to employ and discharge [his] the judge's personal secretary and law clerk; and

Committee note: Article IV, §9, of the Constitution gives the judges of any court the power to appoint officers[, and, thus, requires joint exercise of the personnel power. A similar provision was included in the July 17, 1967 Administrative and Procedure regulation.

(vi) [In general, the] implementation and enforcement of all policies, rules, and directives of the Court of Appeals, its Chief Judge, and the [Director of the Administrative Office of the Courts] State Court Administrator, [and his Circuit Administrative Judge,] and [the] performance of [such] any other duties [as may be] necessary for the effective administration of the judicial business of [his] the court and the prompt disposition of litigation [therein].

Cross reference: [For specific duties of a County Administrative Judge,] See also Rule 16-102 (Chambers Judge); Rule 16-103 (Assignment of Judges); Rule 16-201 (Motion Day--Calendar); and Rule 16-202 (Assignment of Actions for Trial).

3. Power to Delegate.

(i) A County Administrative judge[, with the approval of his Circuit Administrative Judge,] may delegate to any judge, [or] to any committee of judges, [of his court,] or to any officer or employee [of such court, such of the those] any of the administrative responsibilities, duties, and functions [imposed upon him] of the County Administrative Judge [as he, in his discretion, shall deem necessary or desirable].

(ii) In the implementation of Code, Article 27, §591 and Rule 4-271 (a), a County Administrative Judge may

authorize (A) with the approval of the Chief Judge of the Court of Appeals, [authorize] one or more judges to postpone criminal cases on appeal from the District Court or transferred from the District Court because of a demand for jury trial, and (B) [authorize] not more than one judge at a time to postpone all other criminal cases.

4. Single Judge Counties.

In [any] a county [in which there is but] that has only one resident judge of the Circuit Court, [such] that judge shall exercise[, as appropriate,] the power and authority of a County Administrative Judge.

[Comment.--In general, section d (County Administrative Judge) is based upon the Court of Appeals Administrative and Procedural Regulation of July 17, 1967. Authority for the Rule is derived from Article IV, §18, of the Constitution, designating the Chief Judge of the Court of Appeals as administrative head of the judicial system and granting general rule-making and assignment power; the grant of administrative rule-making authority contained in Chapter 444, Acts of 1966, the provisions of Chapter 468, Acts of 1968, dealing with the distribution of judicial work loads and vacations; the provisions of CJ §1-201, of the Code dealing with rule-making power of the judges of the several courts of the State; and the inherent power of courts to prescribe rules to effectuate the administration of justice, including the inherent power of superior courts to regulate inferior courts; see, e.g., Petite v. Estate of Papachrist, 219 Md. 173, 148 A.2d 377 (1959); Annots., "Power of Court to Prescribe Rules of Pleadings, Practice and Procedure," 110 A.L.R. 22 (1937); 158 A.L.R. 705 (1945); Dowling, The Inherent Power of the Judiciary, 21 A.B.A.J. 835 (1935); Pound, Procedure Under Rules of Court in New Jersey, 66 Harv. L. Rev. 28 (1952).]

Source: This Rule is derived from former Rule 1200.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 200 - THE CALENDAR--ASSIGNMENT AND DISPOSITION
OF MOTIONS AND CASES

AMEND Rule 16-202 to conform to the revision of Title 9,
Chapter 200, as follows:

Rule 16-202. ASSIGNMENT OF ACTIONS FOR TRIAL

. . .

b. Case Management Plan; Information Report.

(1) The County Administrative Judge shall develop and, upon approval by the Chief Judge of the Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a scheduling category based on that classification. In courts that have a family division, the plan shall provide criteria for (A) requiring parties in an action assigned to the family division to attend a scheduling conference in accordance with Rule 2-504.1 (a)(1) and (B) identifying actions in the family division that are appropriate for assignment to a specific judge who shall be responsible for the entire case unless the

County Administrative Judge subsequently decides to reassign
it.

Cross reference. See Rule [9-204.1] 9-204 for provisions that may be included in the case management plan concerning an educational seminar for parties in actions in which child support, custody, or visitation are involved.

(2) In developing and implementing the case management plan, the County Administrative Judge shall (i) consult with the Administrative Office of the Courts and with other county administrative judges who have developed or are in the process of developing such plans in an effort to achieve as much consistency and uniformity among the plans as is reasonably practicable, and (ii) seek the assistance of the county bar association and such other interested groups and persons as the judge deems advisable. (3) As part of the plan, the clerk shall make available to the parties, without charge, a form approved by the County Administrative Judge that will provide the information necessary to implement the case management plan. The information contained in the information report shall not be used for any purpose other than case management.

(4) The clerk of each circuit court shall make available for public inspection a copy of the current administrative order of the Chief Judge of the Court of Appeals exempting categories of actions from the information report requirement of Rule 2-111 (a).

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 200 - THE CALENDAR--ASSIGNMENT AND DISPOSITION
OF MOTIONS AND CASES

AMEND Rule 16-204 to conform it to the revision of Title 9,

Chapter 200, as follows:

Rule 16-204. Family Division and Support Services.

(a) Family Division

. . .

(4) Responsibilities of the County Administrative Judge

The County Administrative Judge of the Circuit Court
for each county having a family division shall:

(A) allocate sufficient available judicial resources to
the family division so that actions are heard expeditiously in
accordance with applicable law and the case management plan
required by Rule 16-202 b;

Committee note: This Rule neither requires nor prohibits the
assignment of one or more judges to hear family division cases
on a full-time basis. Rather, it allows each County
Administrative Judge the flexibility to determine how that
county's judicial assignments are to be made so that actions
in the family division are heard expeditiously. Additional
matters for county-by-county determination include whether and
to what extent masters, special masters, and examiners are
used to assist in the resolution of family division cases.
Nothing in this Rule affects the authority of a circuit court
judge to act on any matter within the jurisdiction of the
circuit court.

(B) provide in the case management plan required by Rule 16-202 b criteria for:

(i) requiring parties in an action assigned to the family division to attend a scheduling conference in accordance with Rule 2-504.1 (a)(1) and

(ii) identifying those actions in the family division that are appropriate for assignment to a specific judge who shall be responsible for the entire case unless the County Administrative Judge subsequently decides to reassign it;

Cross reference: For rules concerning the referral of matters to masters as of course, see Rules 2-541 and [9-207] 9-208.

(C) appoint a family support services coordinator whose responsibilities include:

(i) compiling, maintaining, and providing lists of available public and private family support services,

(ii) coordinating and monitoring referrals in actions assigned to the family division, and

(iii) reporting to the County Administrative Judge concerning the need for additional family support services or the modification of existing services; and

(D) prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of family support services needed by the court's family division, a fiscal note that

estimates the cost of those services for the following fiscal year, and, whenever practicable, an estimate of the fiscal needs of the Clerk of the Circuit Court for the county pertaining to the family division.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 400 - ATTORNEYS, OFFICERS OF COURT AND OTHER PERSONS

DELETE Rule 16-402 in its entirety, as follows:

[Rule 16-402. ATTORNEYS AND OTHER OFFICERS NOT TO BECOME
SURETIES

No attorney or other officer or employee of a court, or
of any office serving a court, shall be accepted as security
for costs or surety on any bond, or be received as bail in any
case. Source: This Rule is former Rule 1221.]

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 400 - ATTORNEYS, OFFICERS OF COURT AND OTHER PERSONS

AMEND Rule 16-404 to make certain provisions applicable to court reporters in the District Court, to add a certain cross reference following section b., to require the recording of certain proceedings in the circuit courts, and to make certain stylistic changes, as follows:

Rule 16-404. Administration of [Circuit] Court Reporters.

a. Applicability.

Section b of this Rule applies to court reporters in the circuit courts and the District Court. Sections c, d, and e apply in the circuit courts only.

[a.] b. Establishment of Regulations and Standards.

The Chief Judge of the Court of Appeals shall [from time to time] prescribe regulations and standards regarding [circuit] court reporters and the system of reporting in the courts of the State. The regulations and standards may include [provisions relative to]:

- (1) the selection, qualifications, and responsibilities

of court reporters;

(2) procedures and regulations [for court reporting];

(3) preparation, typing, and format of transcripts;

(4) charges for transcripts and copies;

(5) preservation and maintenance of reporting notes,

however recorded;

(6) equipment and supplies utilized in reporting; and

(7) procedures for filing and maintaining administrative records and reports.

Cross reference: Rule 16-504 a.

[b.] c. Number of Court Reporters--Supervisory Court Reporter.

Each circuit court shall have the number of court reporters recommended by the County Administrative Judge and approved by the Chief Judge of the Court of Appeals. In a county with more than one court reporter, the County Administrative Judge shall designate one as supervisory court reporter, to serve at [his] the pleasure of the County Administrative Judge. The Chief Judge of the Court of Appeals shall prescribe the duties of the supervisory court reporter.

[c.] d. Supervision of Court Reporters.

Subject to the general supervision of the Chief Judge of the Court of Appeals and to the direct supervision of [his] the Circuit Administrative Judge, the County Administrative Judge

shall have [the] supervisory responsibility for the court reporters in [his] that county. The County Administrative Judge may delegate supervisory responsibility to the supervisory court reporter, including the assignment of court reporters to attend to the record at each session of the court and every other proceeding as provided in this Rule or by order of the court.

[d.] e. Methods of Reporting--Proceedings to Be Recorded.

Each court reporter assigned to record a proceeding shall record verbatim by shorthand, stenotype, mechanical or electronic sound recording methods, or any combination of these methods, subject to regulations and standards prescribed by the Chief Judge of the Court of Appeals. Unless the court and the parties agree otherwise, all proceedings held in open court, including opening statements, closing arguments, and hearings on motions, shall be recorded in their entirety.

[1. Criminal Cases.

(a) Trial on Merits Other than District Court Appeals.

In criminal cases, other than appeals from the District Court, the entire trial on the merits held in open court, including opening statements and closing arguments of counsel;

(b) Appeals from District Court.

In appeals from the District Court, upon specific request of the judge or a party, the entire trial on the merits held in

open court, including opening statements and closing arguments of counsel;

(c) Motions and Other Proceedings.

Upon specific request of the judge or a party the entire or any designated part of the hearing on all motions or other proceedings before the court.

2. Civil Cases.

(a) Trial on Merits Other than District Court Appeals.

In civil cases, other than appeals *de novo* from the District Court, the entire trial on the merits held in open court, excluding opening statements and closing arguments of counsel unless requested by the judge or a party;

(b) *De Novo* Appeals from District Court.

In appeals *de novo* from the District Court, upon specific request of the judge or a party, the entire trial on the merits held in open court, including, if requested opening statements and closing arguments of counsel;

(c) Motions and Other Proceedings.

Upon specific request of the judge or a party, the entire or any designated part of the hearing on all motions or other proceedings before the court.

e. Maintenance and Filing of Administrative Records.

The Chief Judge of the Court of Appeals may prescribe procedures for the maintenance and filing of administrative

records and reports with the Administrative Office of the
Courts and the Circuit Administrative Judge.]

Source: This Rule is former Rule 1224.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 500 - COURT ADMINISTRATION - DISTRICT COURT

AMEND Rule 16-504 to require the audio recording of all trials, hearings, and other proceedings before a judge in the District Court, to add a certain provision concerning other recording, and to delete section b, as follows:

Rule 16-504. Recording of Proceedings.

[a. Recording.]

All trials, [and] hearings, and other proceedings before a judge [or examiner] in open court shall be recorded verbatim [either stenographically or] by an [electronic] audio recording device provided by the court. [, and] The Chief Judge of the District Court may authorize recording by additional means. The recording shall be filed among the court records.

[b. Access to Recording.]

If a proceeding is recorded by sound recording device, a party to the proceeding shall have access to the sound recording for the purpose of having the recording replayed or transcribed, subject to such procedures and regulations as the Chief Judge of the District Court of Maryland may prescribe.]

Cross reference: See Rule 16-404 b concerning regulations and standards applicable to court reporting in all courts of the State.

Source: This Rule is former M.D.R. 1224.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-802 to modify the objectives of the
Judicial

Conference, to eliminate the Executive Committee of the
Maryland

Judicial Conference, to add a Judicial Council of the Maryland
Judicial Conference and to make certain stylistic changes, as
follows:

Rule 16-802. MARYLAND JUDICIAL CONFERENCE AND COUNCIL

[a.] (a) Conference and Council Established[- Objectives]

There is a Judicial Conference, known as "The Maryland
Judicial Conference," to consider the status of judicial
business in the various courts, [to devise means for relieving
congestion of dockets where it may be necessary, to consider
improvements of practice and procedure in the courts, to
consider and recommend] appropriate legislation, and changes
in rules and to exchange ideas with respect to the improvement
of the administration of justice in Maryland and the judicial
system in Maryland. There is a Judicial Council, which is
part of the Maryland Judicial Conference. The Judicial
Council guides the Maryland Judicial Conference in maintaining

the cohesiveness, leadership, and efficacy of the judiciary.

[COMMENT

This is former Rule 1226 a 1, without substantive change.]

[b.] (b) Membership of Conference

The members of the Judicial Conference are the judges of the[:]
Court of Appeals of Maryland, Court of Special Appeals, circuit courts of the counties, and District Court of Maryland.

- [1. Court of Appeals of Maryland;
2. Court of Special Appeals;
3. Circuit courts of the counties;
4. The District Court of Maryland.

COMMENT

This is former Rule 1226 a 2 without substantive change.]

[c.] (c) Chair [and Vice Chair]

[1.] The Chief Judge of the Court of Appeals of Maryland is the Chair of the Judicial Conference and the Judicial Council.

[2. At its annual session, the Judicial Conference shall elect a Vice Chair, who shall have all the powers and duties of the Chair, but who shall serve only at the direction of the Chair, or in the absence of the Chair.]

[d.] (d) [Executive Committee] Duties and Members of the

Judicial Council [of Maryland Judicial Conference]

[1.] (1) [Establishment -] Duties

[a. There is an Executive Committee of the Judicial Conference. The Executive Committee consists of 19 members.]

[b.] Between plenary sessions of the Maryland Judicial Conference, the [Executive Committee] Judicial Council shall perform the functions of the Conference and [shall]:

[(1)] (A) shall submit recommendations for the improvement of the administration of justice in Maryland to the Chief Judge, the Court of Appeals, and the full Conference, as appropriate[.]; (B) [The Executive Committee] may [also] submit recommendations to the Governor, the General Assembly, or both, [of them, but these recommendations shall be transmitted] but only through the Chief Judge and the Court of Appeals, [and] who shall [be forwarded] forward [to the Governor or General Assembly, or both,] them with any comments or additional recommendations that the Chief Judge or the Court deems [deemed] appropriate [by the Chief Judge or the Court.];

[(2)] (C) shall establish committees of the Judicial Conference pursuant to section (f) of this Rule, and approve and coordinate the work of those committees[.];

[(3)] (D) plan educational programs to improve the

administration of justice in Maryland[.]; and

[(4)] (E) plan sessions of the Conference in conjunction with the Conference Chair.

[2.] (2) Members

[a.] (A) [The 15 elected members of the Executive Committee are a circuit court and a District Court judge from each of the seven appellate judicial circuits; and a judge of the Court of Special Appeals.] The Judicial Council consists of 16 members, namely, the Chief Judge, the Chief Judge of the Court of Special Appeals, the Chair of the Conference of Circuit Judges, the Chief Judge of the District Court, the State Court Administrator, the Chair of the Conference of Circuit Court Clerks, the Chief Clerk of the District Court, and nine members appointed by the Chief Judge pursuant to subsection (d)(2)(B) of this Rule.

[(b)] (B) [The Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals, the Chair of the Conference of Circuit Judges, and the Chief Judge of the District Court are members of the Executive Committee ex officio without vote.] The members of the Judicial Council appointed by the Chief Judge are four circuit court judges, consisting of two circuit administrative judges and two elected members from the Conference of Circuit Court Judges; four District Court judges, consisting of two District Administrative judges and two elected members of the Administrative Judges Committee; and one court administrator of a circuit court.

[3.] (3) Terms

[Subject to the provisions of paragraph 5 of this section, an elected member of the Executive Committee serves a two-year term and until a successor is elected. The term begins on July 1 and ends on June 30. An elected member may not serve more than two consecutive two-year terms in any six-year period.] The term of each appointed member is two years. The terms of the members shall be staggered.

[4. Elections

(a) Not later than May 1 of each year, the executive secretary of the Conference shall advise the Chief Judge of the Court of Special Appeals, each county administrative

judge, and the Chief Judge of the District Court of the number of members of the Executive Committee from each court and in each appellate judicial circuit to be elected in that year.

(b) Not later than June 1 of each year, the Court of Special Appeals shall elect the Executive Committee member to which it is entitled in that year. The method of election shall be as determined by that court.

(c) Not later than June 1 of each year, the judges of the circuit courts in each appellate judicial circuit and of the District Court in each appellate judicial circuit shall elect the members of the Executive Committee to which they, respectively, are entitled in that year. The methods of election for circuit court judges shall be as determined by the judges of those courts within each appellate judicial circuit. The methods of election of District Court judges shall be as determined by the judges of that court within each appellate judicial circuit.

(d) Promptly after the elections, the Chief Judge of the Court of Special Appeals, the circuit court judge who has been elected from each appellate judicial circuit, and the Chief Judge of the District Court shall advise the executive secretary of the individuals selected from that court.]

[5.] (4) Vacancies

[(a)] If a vacancy occurs on the [Executive Committee]

Judicial Council because an [elected] appointed member resigns from the [Committee] Council, leaves judicial office, or is appointed or elected to a judicial office other than the office the member held when [elected] appointed to the [Committee] Council, [the executive secretary shall promptly notify the Chief Judge of the Court of Special Appeals, if the vacated position was held by a judge of that court; the county administrative judges of the appropriate appellate judicial circuit, if the vacated position was held by a judge of a circuit court; or the Chief Judge of the District Court if the vacated position was held by a judge of that court] the Chair shall appoint a replacement member to serve for the unexpired balance of the predecessor's term.

[(b) Within 30 days after the notification, the individual notified shall cause an election to be held by the judges of the Court of Special Appeals, the judges of the circuit court within the appropriate appellate judicial circuit, or the judges of the District Court within the appropriate appellate judicial circuit, so that the vacancy shall be filled by election of a judge from the same court or court level as that from which the judge's predecessor had been elected. The executive secretary shall be notified promptly of the individual elected. The individual elected serves for the unexpired balance of the predecessor's term,

and until a successor is elected.

6. Chair and Vice Chair

(a) The elected members of the Executive Committee shall elect annually, from among their members, a Chair and Vice Chair, to serve until the June 30 following their election, and until their successors are elected.

(b) If the position of Chair or Vice Chair becomes vacant, it shall be filled by election by the Executive Committee members from among its elected members. The individual elected to fill the vacancy serves for the unexpired balance of the predecessor's term, and until a successor is elected.]

[e.] (e) Secretariat

The Administrative Office of the Courts is the secretariat for the Conference. [and for all of its committees, including the Executive Committee. The State Court Administrator is the Executive Secretary of the Conference.]

[COMMENT

This is former Rule 1226 a 3, without substantive change.]

[f.] (f) Committees

[1.] (1) Establishment

In consultation with the Chair of the Judicial Conference, the [Executive Committee] Judicial Council shall

establish the committees of the Conference it considers necessary or desirable from time to time and appoint the chair and members of each committee.

[2. Appointment

In consultation with the Chair of the Judicial Conference, the Chair of the Executive Committee shall appoint the Chair and members of each committee.]

[3.] (2) Duties

[Each committee shall meet at] At the time or times [its] each committee's chair designates, the committee shall meet to receive, discuss, and consider suggestions pertaining to its area of responsibility. Each committee shall make reports to the [Executive Committee] Judicial Council as required by the [Committee] Council[,] and [shall] submit an annual report to the Judicial Conference through the [Executive Committee] Judicial Council.

[g.] (g) Sessions of the Conference

Unless otherwise ordered by the Court of Appeals, [The] the Conference shall meet in general session at least once a year at the time and place designated by the [Executive Committee] Judicial Council[, unless otherwise ordered by the Court of Appeals]. Each session of the Conference shall be for the number of days the work of the Conference may require.

[COMMENT

This is in substance former Rule 1226 a 7.]

Source: This Rule is derived in part from former Rule 1226
and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-817 to make it gender-neutral, to organize bail bond commissioners by appellate judicial circuits, and to provide that the Chief Clerk of the District Court is to receive the list of bail bondsmen licensed within a particular appellate circuit, as follows:

Rule 16-817. Appointment of Bail Bond Commissioner--Licensing and Regulation of Bail Bondsmen.

A majority of the judges of the circuit courts in any appellate judicial circuit may appoint a bail bond commissioner and license and regulate bail bondsmen and acceptance of bail bonds. Each bail bond commissioner appointed pursuant to this Rule shall prepare, maintain, and periodically distribute to all District Court commissioners and clerks within [his] the jurisdiction of the appellate judicial circuit for posting in their respective offices, [and] to the State Court Administrator, and to the Chief Clerk of the District Court, an alphabetical list of bail bondsmen licensed to write bail bonds within the appellate judicial

circuit, showing the bail bondsman's name, business address and telephone number, and any limit on the amount of any one bond, and the aggregate limit on all bonds, each bail bondsman is authorized to write.

. . .

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORM INTERROGATORIES

AMEND Form No. 2 - General Definitions, to include in Standard General Definition (b) a requirement that the present custodian of a document be identified, as follows:

Form No. 2 - GENERAL DEFINITIONS

Definitions

In these interrogatories, the following definitions apply:

. . .

(b) **Identify, identity, or identification**, (1) when used in reference to a natural **person**, means that **person*s** full name, last known address, home and business telephone numbers, and present occupation or business affiliation; (2) when used

in reference to a **person** other than a natural **person**, means that **person's** full name, a description of the nature of the **person** (that is, whether it is a corporation, partnership, etc. under the definition of **person** below), and the **person's** last known address, telephone number, and principal place of business; (3) when used in reference to any **person** after the **person** has been properly **identified** previously means the **person's** name; and (4) when used in reference to a **document**, requires you to state the date, the author (or, if different, the signer or signers), the addressee, the **identity** of the present custodian of the **document**, and the type of **document** (e.g., letter, memorandum, telegram, or chart[, etc.]) or to attach an accurate copy of the **document** to your answer, appropriately labeled to correspond to the interrogatory.

(Standard General Definition (b).)

. . .

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORM INTERROGATORIES

AMEND Form No. 7 - Motor Vehicle Tort Interrogatories, to clarify Standard Motor Vehicle Tort Interrogatory No. 10, as follows:

Form No. 7 - Motor Vehicle Tort Interrogatories

Interrogatories

. . .

10. If a report with respect to the **occurrence** was made in the ordinary course of business, state the date [of] on which the report was made, [and] the identity of the **person** who made the report, and whether the report was written, oral, or in some other form. **Identify** each **document** containing information concerning the report and the custodian of the document. (Standard Motor Vehicle Tort Interrogatory No. 10.)

. . .

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORM INTERROGATORIES

ADD new Form No. 9 - Product Liability Definitions, to the

Appendix of Forms, Form Interrogatories, as follows:

Form No. 9 - PRODUCT LIABILITY DEFINITIONS

Definitions

(a) **Component** means a part or ingredient. (Standard Product Liability Definition (a).)

(b) **Component(s) at issue** means the [insert description of the alleged defective **component(s)** of **The Product**, e.g., "the steering mechanism"] alleged to be defective in this action. If **The Product** has only one **component**, the **component at issue** is **The Product**. (Standard Product Liability Definition (b).)

(c) **Component substantially similar to the component(s) at issue** means ...[insert fact-specific description of "component substantially similar to the component(s) at issue"].

(d) **Occurrence**, unless otherwise indicated, means the

accident or other event complained of in the pleadings.

(Standard Product Liability Definition (d).)

(e) **Product information** means an instruction or warning as to use or risks of a product. (Standard Product Liability Definition (e).)

(f) **Substantially similar product** means ...[insert fact-specific definition of "substantially similar product"].

(g) **The Product** means the particular [insert description of product, e.g., "XYZ Motors 1999 Dreammobile bearing Vehicle Identification Number ABCD1234EFG56"] alleged in the pleadings to have been involved in the **occurrence**. (Standard Product Liability Definition (g).)

Committee note: Definitions (a), (b), (d), (e), and (g), in addition to the General Definitions, are designed to be used in product liability cases. Optional Definition (c) is designed to be used in conjunction with Standard Product Liability Interrogatories Nos. 39, 40, 44, and 45, and optional Definition (f) is designed to be used in conjunction with Nos. 5, 9, 32, 33, 34, 36, and 40. The Committee has concluded that it is not possible to formulate generic definitions for the terms "**component substantially similar to the component(s) at issue**" and "**substantially similar product.**" If an interrogating party elects to include the optional references to "substantially similar" products or components in the standard interrogatories, the interrogator should define those terms with sufficient particularity in the context of the facts at issue. If Definition (c) is not used, Interrogatory No. 39 and the bracketed language in Interrogatories Nos. 40, 44, and 45 should be omitted. If Definition (f) is not used, the bracketed language in Interrogatories Nos. 5, 9, 32, 33, 34, 36, and 40 should be omitted.

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORM INTERROGATORIES

ADD new Form No. 10 - Product Liability Interrogatories,
to
the Appendix of Forms, Form Interrogatories, as follows:

Form No. 10 - PRODUCT LIABILITY INTERROGATORIES

Interrogatories For Use by Either Party

1. **Identify** the specific provision(s) of each governmental or industry regulation, standard, guideline, recommendation, accepted practice, or custom that you contend was applicable to the design, manufacture, performance, testing, certification, or safety of the **component(s) at issue** at the time **The Product** left the manufacturer's control.

(Standard Product Liability Interrogatory No. 1.)

2. State whether **The Product** underwent any change in its condition between the time it left the manufacturer's control and the time of the **occurrence** and, if so, describe each change in condition. (Standard Product Liability

Interrogatory No. 2.)

3. State whether **The Product** underwent any change in its condition between the time of the **occurrence** and the present

and, if so, describe each change in condition. (Standard Product Liability Interrogatory No. 3.)

4. State whether, at any time after the **occurrence**, you or any **person** on your behalf examined **The Product** or any of its **components** and, if so, describe the nature and results of each examination, **identify** the person who performed it, and **identify** each **document** that refers to it. (Standard Product Liability Interrogatory No. 4.)

5. State whether, at any time, you or any **person** on your behalf conducted any test, study, or other analysis concerning possible safety or health hazards of **The Product** [or of any **substantially similar product**] and, if so, describe the nature and results of each test, study, or analysis, state when it was performed, **identify** each **person** who performed it, and **identify** each **document** that refers to it. (Standard Product Liability Interrogatory No. 5.)

6. If you intend to use at trial a simulation (computer or actual), experiment, test, or analysis, describe each simulation, experiment, test, or analysis, **identify** the **person** who created or performed it or who intends to perform it, and **identify** each **document** that refers to it. (Standard Product Liability Interrogatory No. 6.)

7. **Identify** each **document** that depicts or purports to

depict the **occurrence** or scene of the **occurrence**.

(Standard Product Liability Interrogatory No. 7.)

8. **Identify** each document that depicts or purports to depict the condition of **The Product** or any of its **components** at the time of or after the **occurrence**. (Standard Product Liability Interrogatory No. 8.)

9. State the date, place, and circumstances under which you first became aware that exposure to or use of **The Product** [or any **substantially similar product**] may be harmful or hazardous, **identify** each source of information leading to your awareness, and identify the harm or hazards of which you became aware. (Standard Product Liability Interrogatory No. 9.)

10. **Identify** each **person** (other than your attorney or an expert retained in anticipation of litigation or preparation for trial who is not expected to be called as a witness at trial) who has made any written or oral report, memorandum, or statement to you or anyone acting on your behalf regarding the cause of the **occurrence**, and **identify** each **document** that constitutes or refers to each such report, memorandum, or statement. (Standard Product Liability Interrogatory No. 10.)

Interrogatories To Defendant From Plaintiff

31. If you contend that any **product information** was or should have been provided with **The Product** at the time of its sale or distribution to the end user, state the subject matter of the **product information**, **identify** the **person** responsible for providing the **product information**, and **identify** each **document** that constitutes or refers to the **product information**. (Standard Product Liability Interrogatory No. 31.)

32. **Identify** and describe each study, experiment, test, or analysis, performed by you or on your behalf, that mentions any adverse effects of the use of **The Product** [or any **substantially similar product**]. (Standard Product Liability Interrogatory No. 32.)

33. State whether any **product information** concerning [insert a description of the particular use or risk at issue in the case] was changed in any way with respect to **The Product** [or any **substantially similar product**] during the period [date] through [date]. (Standard Product Liability Interrogatory No. 33.)

34. **Identify** each safety-related **product information**, sign, display, or other **document** furnished by you to sellers for display in their sales facilities from [date] through [date] that concerned **The Product** [or any **substantially**

similar product]. (Standard Product Liability Interrogatory No. 34.)

35. Describe each change that was made to each item identified in your answer to the preceding Interrogatory, state whether the change was furnished by you to sellers of **The Product** or their customers, and state when the change was furnished to the sellers or their customers. (Standard Product Liability Interrogatory No. 35.)

36. If at any time before the **occurrence** you or anyone on your behalf made any statement regarding the safety of **The Product** [or any **substantially similar product**]:

(a) state the date, time, place, and substance of each statement, the circumstances or occasion when the statement was made, and whether the statement was written or oral;

(b) **identify** each **person** making the statement;

(c) **identify** each **person** to whom the statement was made; and,

(d) **identify** each **document** that constitutes or refers to the statement. (Standard Product Liability Interrogatory No. 36.)

37. If you contend that the plaintiff was given any written or oral **product information** concerning **The Product** at any time before the **occurrence**, as to each **product**

information:

(a) state the substance of the **product information**;

(b) state the date on which the plaintiff was given the **product information**;

(c) **identify** the **person** who gave the plaintiff the **product information**;

(d) describe the manner in which the **product information** was given to the plaintiff; and

(e) **identify** each **document** that constitutes or refers to the **product information**. (Standard Product Liability Interrogatory No. 37.)

38. If you or anyone on your behalf provided to the plaintiff any technical literature, product brochure, or promotional literature concerning **The Product** at any time before the **occurrence**:

(a) **identify** the literature or brochure;

(b) **identify** the **person** who provided the literature or brochure to the plaintiff; and

(c) state the date the literature or brochure was given to the plaintiff. (Standard Product Liability Interrogatory No. 38.)

39. If you are aware of any lawsuit or other claim based upon an allegation that a defect in a **component substantially**

similar to the component(s) at issue was a cause of any personal injury, death, or property damage, as to each:

(a) state the date you became aware of the lawsuit or claim;

(b) state the date and location of the incident involved in the lawsuit or claim and describe the [product(s)] and [component(s)] involved and the nature of the defect alleged;

(c) **identify** the **person** bringing the lawsuit or claim; and

(d) if a lawsuit, **identify** the court, case caption, and docket number. (Standard Product Liability Interrogatory No. 39.)

40. If there has been any federal or state governmental or industry investigation of the safety of **The Product** or [any **substantially similar product** or] the **component(s) at issue** [or any **component substantially similar to the component(s) at issue**]:

(a) state the date of the investigation;

(b) **identify** the governmental or industry entity that conducted the investigation;

(c) **describe** the nature and subject matter of the investigation;

(d) **identify** each **person** who responded on your behalf to

the investigation; and,

(e) **identify** each **document** that refers to the investigation. (Standard Product Liability Interrogatory No. 40.)

41. If you or any agent or employee of yours expressly warranted or guaranteed **The Product**, state the exact words of each warranty or guarantee, and when, where, and by what means the warranty or guarantee was given. (Standard Product Liability Interrogatory No. 41.)

42. If you contend that you or any agent or employee of yours disclaimed any warranty or guarantee of **The Product**, state the exact words of each disclaimer, whether you contend that the person harmed by **The Product** was or should have been aware of the disclaimer, and when, where, and by what means the disclaimer was made. (Standard Product Liability Interrogatory No. 42.)

43. Explain the meaning of each code word, code number, or other symbol appearing on **The Product**, including any that identifies the place of manufacture, the date of manufacture, the lot or batch of which **The Product** was a part, or any test or examination of **The Product**. (Standard Product Liability Interrogatory No. 43.)

44. If there was a change after the date of manufacture

of **The Product** in the design of the **component(s) at issue** [or **component substantially similar to the component(s) at issue**]:

- (a) state the nature of the change;
- (b) state the reason for the change;
- (c) state the date of the change;
- (d) **identify** each **person** who directed the change; and
- (e) **identify** each **document** that implements the change.

(Standard Product Liability Interrogatory No. 44.)

45. If there was a change after the date of manufacture of **The Product** in the manufacturing process of the **component(s) at issue** [or **component substantially similar to the component(s) at issue**]:

- (a) state the nature of the change;
- (b) state the reason for the change;
- (c) state the date of the change;
- (d) **identify** each **person** who directed the change; and
- (e) **identify** each **document** that implements the change.

(Standard Product Liability Interrogatory No. 45.)

46. **Identify** all **persons** who (a) were directly responsible for the design, testing, certification, or safety of the **component(s) at issue**, (b) are most knowledgeable about the design, testing, certification, or safety of the **component(s) at issue**, (c) manufactured the **component(s) at**

issue, or (d) assembled the **component(s) at issue** into **The Product**. As to each **person**, state the area of that **person's** responsibility or knowledge (e.g., design, testing, certification, or safety). (Standard Product Liability Interrogatory No. 46.)

Interrogatories to Plaintiff from Defendant

61. Name each **component at issue** and:

(a) state whether you contend that its alleged defect is one of design, manufacture, or a failure to provide adequate **product information**;

(b) describe the specific nature of each alleged design, manufacturing, or **product information** defect;

(c) state the facts that support your contention; and

(d) **identify** each **person** and **document** having or containing information that supports your contention.

(Standard Product Liability Interrogatory No. 61.)

62. With respect to each **component at issue** for which you contend there was a defect in design, state the particulars of each alternative design that you contend could and should have been employed and state the cost of the alternative design. (Standard Product Liability Interrogatory No. 62.)

63. With respect to each **component at issue** for which you contend there was a defect in manufacture, **identify** the applicable manufacturing specifications for the **component at issue** and state how you contend it failed to meet the prescribed manufacturing specifications. (Standard Product Liability Interrogatory No. 63.)

64. If you contend that this defendant failed to provide adequate **product information** for **The Product**, state how the **product information** was inadequate and how you contend the defendant could and should have made it adequate. (Standard Product Liability Interrogatory No. 64.)

65. State the facts that support your contention that **The Product** was defective and unreasonably dangerous, state how long the alleged defective or unreasonably dangerous condition existed before the **occurrence**, and **identify** each **person** and **document** having or containing information that supports your contentions. (Standard Product Liability Interrogatory No. 65.)

66. **Identify** each **person** who you contend is responsible for causing the alleged defective or unreasonably dangerous condition of **The Product**, and **identify** each **person** and **document** having or containing information that supports your contention. (Standard Product Liability Interrogatory No.

66.)

67. State the facts that support your contention that **The Product** reached you without substantial change in the condition in which it was manufactured, and **identify** each **person** and **document** having or containing information that supports your contention. (Standard Product Liability Interrogatory No. 67.)

68. State the facts that support your contention that the alleged defect in **The Product** was a proximate cause of the harm alleged in this action. (Standard Product Liability Interrogatory No. 68.)

69. If you contend that **The Product** was not properly installed before the **occurrence**, state the facts that support your contention and **identify** each **person** and **document** having or containing information that supports your contention. (Standard Product Liability Interrogatory No. 69.)

70. If you contend that this defendant before the **occurrence** had notice of any defect or unreasonably dangerous condition of **The Product**, state the facts that support your contention and **identify** each **person** and **document** having or containing information that supports your contention. (Standard Product Liability Interrogatory No. 70.)

71. Describe each complaint about **The Product**, if any,

made at any time by you or any other **person** to this defendant, and **identify** each **person** and **document** having or containing information about the complaint. (Standard Product Liability Interrogatory No. 71.)

72. Describe the negligent acts or omissions for which you contend that this defendant is responsible with respect to **The Product**, state the facts that support your contention, state how each negligent act or omission could and should have been avoided, and **identify** each **person** and **document** having or containing information that supports your contention. (Standard Product Liability Interrogatory No. 72.)

73. If you contend that this defendant violated any statute, regulation, ordinance, standard, or guideline with respect to the manufacture or design of **The Product** or with respect its **product information**, for each statute, regulation, ordinance, standard, or guideline provide:

- (a) the name of the publication in which it appears;
- (b) the volume and page number of the publication in which it appears;
- (c) the specific provision that you contend was violated; and
- (d) its promulgation date and effective date.

(Standard Product Liability Interrogatory No. 73.)

74. If you contend that the violation of any statute,

regulation, ordinance, standard, or guideline set forth in your answer to the preceding Interrogatory proximately caused any harm alleged in this action, state the facts that support your contention. (Standard Product Liability Interrogatory No. 74.)

75. If you contend that this defendant had a duty to test but failed to test **The Product**, state the facts that support your contention and **identify** each **person** and **document** having or containing information that supports your contention. (Standard Product Liability Interrogatory No. 75.)

76. **Identify** the **person** who sold **The Product** to the **person** who owned **The Product** at the time of the **occurrence**, and state the sales price, the date of sale, and whether **The Product** was sold in a "new" or "used" condition. If **The Product** was sold in a "used" condition, **identify** each **person** who owned **The Product** at any time from the date of its manufacture to the present and state when the **person** owned it. (Standard Product Liability Interrogatory No. 76.)

77. **Identify** each **person** who has or had custody of **The Product** or any **component at issue** from the date of the **occurrence** to the present. For each **person** identified, state the time during which that **person** had custody and the exact location, including any street address, at which **The Product**

or **component at issue** was kept. (Standard Product Liability Interrogatory No. 77.)

78. If you have knowledge of any maintenance or repair that was contemplated, recommended, or conducted, or should have been conducted, on **The Product** before the **occurrence**, state the knowledge you have concerning any such maintenance or repair and **identify** each **person** and **document** having or containing any information concerning the maintenance or repair. (Standard Product Liability Interrogatory No. 78.)

79. If you have knowledge of any photograph, video, motion picture, drawing, model, or other image made of **The Product** or any **component at issue** at any time, describe the medium on which the image is recorded, **identify** each **person** who participated in that process, state the date when the image was made, and **identify** the **person** who has present custody of the image. (Standard Product Liability Interrogatory No. 79.)

MARYLAND RULES OF PROCEDURE

APPENDIX: THE MARYLAND RULES OF PROFESSIONAL CONDUCT

CLIENT-LAWYER RELATIONSHIP

AMEND Rule 1.14 to add language to the Comment pertaining to the Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Proceedings, as follows:

Rule 1.14. Client Under a Disability

(a) When a client's ability to make adequately considered decisions in connection with the representation is impaired, whether because of minority, mental disability or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.

(b) A lawyer may seek the appointment of a guardian or take other protective action with respect to a client, only when the lawyer reasonably believes that the client cannot adequately act in the client's own interest.

COMMENT

The normal client-lawyer relationship is based on the assumption that the client, when properly advised and assisted, is capable of making decisions about important matters. When the client is a minor or suffers from a mental disorder or disability, however, maintaining the ordinary client-lawyer relationship may not be possible in all respects. In particular, an incapacitated person may have no power to make legally binding decisions. Nevertheless, a client lacking legal competence often has the ability to

understand, deliberate upon, and reach conclusions about matters affecting the client's own well-being. Furthermore, to an increasing extent the law recognizes intermediate degrees of competence. For example, children as young as five or six years of age, and certainly those of ten or twelve, are regarded as having opinions that are entitled to weight in legal proceedings concerning their custody. So also, it is recognized that some persons of advanced age can be quite capable of handling routine financial matters while needing special legal protection concerning major transactions. The fact that a client suffers a disability does not diminish the lawyer's obligation to treat the client with attention and respect. If the person has no guardian or legal representative, the lawyer often must act as de facto guardian. Even if the person does have a legal representative, the lawyer should as far as possible accord the represented person the status of client, particularly in maintaining communication.

A lawyer representing a person under disability should advocate the position of the disabled person unless the lawyer reasonably concludes that the client is not able to make a considered decision in connection with the matter. This is especially important in cases involving children in Child In Need of Assistance (CINA) and related Termination of Parental Rights (TPR) and adoption proceedings. With respect to these categories of cases, the Maryland Foster Care Court Improvement Project has prepared Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Proceedings. The Guidelines are included in an appendix to these Rules.

If a legal representative has already been appointed for the client, the lawyer should ordinarily look to the representative for decisions on behalf of the client. If a legal representative has not been appointed, the lawyer should see to such an appointment where it would serve the client's best interests. Thus, if a disabled client has substantial property that should be sold for the client's benefit, effective completion of the transaction ordinarily requires appointment of a legal representative. In many circumstances, however, appointment of a legal representative may be expensive or traumatic for the client. Evaluation of these considerations is a matter of professional judgment on the lawyer's part.

If the lawyer represents the guardian as distinct from the ward, and is aware that the guardian is acting adversely

to the ward's interest, the lawyer may have an obligation to prevent or rectify the guardian's misconduct. See Rule 1.2 (d).

Disclosure of the client's condition. -- Rules of procedure in litigation generally provide that minors or persons suffering mental disability shall be represented by a guardian or next friend if they do not have a general guardian. However, disclosure of the client's disability can adversely affect the client's interests. For example, raising the question of disability could, in some circumstances, lead to proceedings for involuntary commitment. The lawyer's position in such cases is an unavoidably difficult one. The lawyer may seek guidance from an appropriate diagnostician.

Code Comparison -- There is no counterpart to this Rule in the Disciplinary Rules of the Code. EC 7-12 states that "Any mental or physical condition of a client that renders him incapable of making a considered judgment on his own behalf casts additional responsibilities upon his lawyer. Where an incompetent is acting through a guardian or other legal representative, a lawyer must look to such representative for those decisions which are normally the prerogative of the client. If a client under disability has no legal representative, his lawyer may be compelled in court proceedings to make decisions on behalf of the client. If the client is capable of understanding the matter in question or of contributing to the advancement of his interests, regardless of whether he is legally disqualified from performing certain acts, the lawyer should obtain from him all possible aid. If the disability of a client and the lack of legal representative compel the lawyer to make decisions for his client, the lawyer should consider all circumstances then prevailing and act with care to safeguard and advance the interests of his client. But obviously a lawyer cannot perform any act or make any decision which the law requires his client to perform or make, either acting for himself if competent, or by a duly constituted representative if legally incompetent."

MARYLAND RULES OF PROCEDURE

APPENDIX: GUIDELINES OF ADVOCACY FOR ATTORNEYS REPRESENTING CHILDREN IN CINA AND RELATED TPR AND ADOPTION PROCEEDINGS

ADD new Appendix, as follows:

GUIDELINES OF ADVOCACY FOR ATTORNEYS REPRESENTING CHILDREN IN CINA AND RELATED TPR AND ADOPTION PROCEEDINGS

STATEMENT OF THE ISSUE

The Maryland Foster Care Court Improvement Project has developed these Guidelines of Advocacy for Attorneys Representing Children in Child in Need of Assistance (CINA) and Related Termination of Parental Rights (TPR) and Adoption Proceedings. The court's ability to protect the interests of children rests in large part upon the skill and expertise of the advocate. An attorney should represent a child who is the subject of a CINA or a related TPR or adoption proceeding in accordance with these Guidelines. Nothing contained in the Guidelines is intended to modify, amend, or alter the fiduciary duties that an attorney owes to a client pursuant to the Maryland Lawyers' Rules of Professional Conduct. For purposes of these Guidelines, the word "child" refers to the client of the attorney.

A. ADVOCATE FOR THE CHILD

GUIDELINE A. ROLE OF THE CHILD'S COUNSEL

The attorney should determine whether the child has considered judgment as defined in Guideline B1. If the child has considered judgment, the attorney should so state in open court and should advocate a position consistent with the child's wishes in the matter. If the attorney determines that the child lacks considered judgment, the attorney should so inform the court. The attorney should then advocate a position consistent with the best interests of the child as defined in Guideline B2.

B. CONSIDERED JUDGMENT

GUIDELINE B1. ASSESSING CONSIDERED JUDGMENT

The attorney should advocate the position of a child unless the attorney reasonably concludes that the child is unable to express a reasoned choice about issues that are relevant to the particular purpose for which the attorney is representing the child. If the child has the ability to express a reasoned choice, the child is regarded as having considered judgment.

- a. To determine whether the child has considered judgment,
The attorney should focus on the child's decision-making process, rather than the child's decision.
The attorney should determine whether the child can understand the risks and benefits of the child's legal position and whether the child can reasonably communicate the child's wishes. The attorney should consider the following factors when determining whether the child has considered judgment:
- (1) the child's developmental stage:
 - (a) cognitive ability,
 - (b) socialization, and
 - (c) emotional and mental development;
 - (2) the child's expression of a relevant position:
 - (a) ability to communicate with the attorney, and
 - (b) ability to articulate reasons for the legal position; and
 - (3) relevant and available reports such as reports from social workers, psychiatrists, psychologists, and schools.
- b. A child may be capable of considered judgment even though the child has a significant cognitive or emotional disability.

- c. At every interview with the child, the attorney should assess whether the child has considered judgment regarding each relevant issue. In making a determination regarding considered judgment, the attorney may seek guidance from professionals, family members, school officials, and other concerned persons.
- The attorney should also determine if any evaluations are needed and advocate them when appropriate. At no time shall the attorney compromise the attorney-client privilege.
- d. An attorney should be sensitive to cultural, racial, ethnic, or economic differences between the attorney and the child because such differences may inappropriately influence the attorney's assessment of whether the child has considered judgment.

GUIDELINE B2. BEST INTEREST STANDARD

When an attorney representing a child determines that the child does not have considered judgment, the attorney should advocate for services and safety measures that the attorney believes to be in the child's best interests, taking into consideration the placement that is the least restrictive alternative. The attorney may advocate a position different from the child's wishes if the attorney finds that the child does not have considered judgment at that time. The attorney should make clear to the court that the attorney is adopting the best interest standard for that particular proceeding and state the reasons for adopting the best interest standard as well as the reasons for any change from a previously adopted standard of representation. Even if the attorney advocates a position different from the child's wishes, the attorney should ensure that the child's position is made a part of the record.

C. CLIENT CONTACT

GUIDELINE C1. GENERAL

The attorney should meet in the community with the child at each key stage of the representation to conduct a meaningful interview. The attorney should meet the child in preparation for a hearing, regardless of the child's age or disability, in an environment that will facilitate reasonable attorney-client communications. The attorney is encouraged to meet with the child in multiple environments, including the child's school, placement, each subsequent placement, or home.

When face-to-face contact with a child is not reasonably possible or not necessary, the attorney still should have meaningful contact with the child. These situations may include: (a) a child placed out-of-state; (b) a teenager with whom the attorney has established a sufficient attorney-client relationship; or (c) a child under the age of three at the shelter care proceeding. The attorney, however, should have face-to-face contact with the child prior to the adjudication hearing.

When a communication with the child requires a sign or spoken language interpreter, the attorney should try to use the services of a court-related interpreter or other qualified interpreter other than the child's family, friends, or social

workers.

GUIDELINE C2. DETERMINATIONS

After conducting one or more interviews with a child and giving reasonable consideration to the child's age and cognitive and emotional development, the attorney should determine, at a minimum:

- a. whether the child has considered judgment;
- b. whether the presence of the child at the proceedings will be waived, i.e., whether the child wants or needs to be present at the hearing or whether the child will be harmed by appearing in court;
- c. the child's position on the agency's petition, court report(s), and other relevant issues, including the permanency plan and placement;
- d. the child's position on evidence that may be offered at the hearing, including evidence that may be offered on behalf of the child;
- e. the child's legal position at the hearing;
- f. whether there is a conflict of interest that requires the attorney to move to withdraw from representing one or all of the clients as, for example, when the attorney represents siblings;
- g. whether the child should be called as a witness, after considering such factors as (1) the child's age, (2) the child's cognitive and emotional development, (3) the child's need or desire to testify, (4) the likelihood of emotional trauma or repercussions to the child, (5) the necessity of the child's direct testimony, and (6) the availability of other evidence, hearsay exceptions, proffers, or stipulations that can

substitute for direct testimony; and

- h. if the child will be called as a witness, the setting of the child's testimony; for example, whether the child should testify in open court, open chambers, closed chambers, or another location.

GUIDELINE C3. ANCILLARY CONTACT WITH THE CHILD

The attorney should have meaningful contact with the child at least every six months, even if a court hearing is not scheduled. The attorney should seek to obtain notice of emergencies and significant events involving the child between court hearings. Upon receiving notice of such an event (for example, a change of placement), the attorney should interview or observe the child within a reasonable time. As necessary or appropriate to the representation, the attorney should attend treatment, placement, and administrative hearings, and other proceedings, as well as school case conferences or staffing conferences concerning the child.

GUIDELINE C4. CONTINUITY OF REPRESENTATION

The attorney should continue to represent the child after the initial court proceeding, including at disposition review hearings, permanency planning hearings, and related TPR and adoption proceedings.

D. ATTORNEY INVESTIGATION

GUIDELINE D1. INDEPENDENT INVESTIGATION

The child's attorney should conduct a thorough and independent investigation as necessary or appropriate to the representation. This investigation may include the following:

- a. obtaining and reviewing the child's social services, psychiatric, psychological, drug and alcohol, medical, law enforcement, school, and other records relevant to the case;

- b. interviewing or observing the child before all court

hearings and when apprised of emergencies or significant events affecting the child;

c. interviewing school personnel and other professionals and potential witnesses;

d. interviewing the child's caretaker(s), with the permission of their attorney when necessary, concerning
the type of services the child currently receives and the type of services the child needs; and

e. reviewing all relevant evidence.

At each stage of the investigation, the attorney should be familiar with the child's position.

GUIDELINE D2. NON-VERBAL CHILD WITHOUT CONSIDERED JUDGMENT

For a non-verbal child who does not have considered judgment, the attorney should observe that child in the child's environment and conduct a thorough investigation. The investigation should include, at a minimum, contact with the child's caretaker, teacher, physician, and caseworker to obtain information about the status of the child.

E. INVOLVEMENT IN THE COURT PROCESS

GUIDELINE E1. PRE-TRIAL STAGES

- a. If the child has considered judgment, the attorney should develop a position and strategy concerning every relevant aspect of the legal proceedings. When developing the child's position, the attorney should ensure that the child is given advice and guidance and all information necessary to make an informed decision.
- b. The attorney should explain to the child in a manner appropriate to the child's level of development what is expected to happen before, during, and after each hearing.
- c. Consistent with the child's wishes, or the best interests of a child without considered judgment, the attorney should seek to obtain appropriate services, including services for developmental disabilities for children with physical, mental, or disabilities.

GUIDELINE E2. TRIAL STAGES

- a. The attorney should attend all hearings involving the child and participate in all telephone or other conferences with the court unless a particular hearing involves issues completely unrelated to the child.
- b. The attorney should present a case and make appropriate motions, including, when appropriate, introducing independent evidence and witnesses and cross-examining witnesses.
- c. During all hearings, the attorney should

preserve

legal issues for appeal, as appropriate.

- d. Consistent with the wishes of a child with considered judgment, the attorney should try to ensure timely hearings and oppose unwarranted continuances or postponements.

GUIDELINE E3. POST-TRIAL STAGES

a. Following the hearing, if consistent with the attorney's representation of the child's position, the attorney should seek a written court order to be given to the parties, containing at a minimum:

- (1) required findings of fact and conclusions of law;
- (2) the date and time of the next hearing;
- (3) required notices;
- (4) actions to be taken by each party, including the agency(ies), and custodians;
- (5) appropriate statutory timelines; and
- (6) the names of the parties who were present at the hearing.

b. The attorney should consider and discuss with the child the possibility and ramifications of an appeal and, when appropriate, take all steps necessary to note an appeal or participate in an appeal filed by another party.

F. LAWYER TRAINING

GUIDELINE F1. INITIAL TRAINING OR EXPERIENCE

Before accepting a case, a lawyer who does not have sufficient experience in providing legal representation to children in CINA and related TPR and adoption cases should

participate in formal training and education related to this area of practice. The lawyer should satisfy the court and, if applicable, the entity responsible for payment of the lawyer that the lawyer has sufficient skill and experience in child advocacy. The lawyer should participate in available training and education, including in-house training.

GUIDELINE F2. SUBSTANCE OF TRAINING

Lawyers who seek to represent children in these proceedings are encouraged to seek training and education in such subjects as:

- a. the role of child's counsel;
- b. assessing considered judgment;
- c. basic interviewing techniques;
- d. child development: cognitive, emotional, and mental stages;
- e. federal and state statutes, regulations, rules, and case law;
- f. overview of the court process and key personnel in child-related litigation;
- g. applicable guidelines and standards of representation;
- h. family dynamics and dysfunction, including substance abuse and mental illness;
- i. related issues, such as domestic violence, special education, mental health, developmental disability systems, and adult guardianships;
- j. social service agencies, child welfare programs, and medical, educational, and mental health resources for the child and family; and
- k. written materials, including related motions, court orders, pleadings, and training manuals.

G. ROLE OF THE COURT

If the court becomes aware that an attorney is not following these Guidelines, the court may encourage compliance by taking one or more of the following steps, as appropriate:

- (1) alert the individual attorney that the attorney is not
in compliance with the Guidelines;
- (2) alert relevant government agencies or firms that the attorney is not complying with the Guidelines;
- (3) alert the entity(ies) responsible for administering the
contracts for children's representation that the attorney appointed to represent children is not complying with the Guidelines; and
- (4) appoint another attorney for the child.

MARYLAND RULES OF PROCEDURE

RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND

AMEND Rule 14 so that it applies to an out-of-state attorney

representing a client in a certain arbitration in Maryland, as follows:

Rule 14. SPECIAL ADMISSION OF OUT-OF-STATE ATTORNEYS

(a) Motion for Special Admission

A member of the Bar of this State who is an attorney of record in an action pending in any court of this State, [or] before an administrative agency of this State or any of its political subdivisions, or representing a client in an arbitration taking place in this State involving the application of Maryland law, may move, in writing, that an attorney who is a member in good standing of the Bar of another state be admitted to practice in this State for the limited purpose of appearing and participating in the action as co-counsel with the movant. If the action is pending in a court, the motion shall be filed in that court. If the action is pending before an administrative agency or arbitration panel, the motion shall be filed in the circuit court for the county in which the principal office of the agency is located or in which the arbitration hearing is located or in any other

circuit to which the action may be appealed and shall include the movant's signed certification that copies of the motion have been furnished to the agency or the arbitration panel, and to all parties of record.

Cross reference: For the definition of "arbitration," see Rule 17-102 (b).

(b) Certification by Out-of-State Attorney

The attorney whose special admission is moved shall certify in writing the number of times the attorney has been specially admitted during the twelve months immediately preceding the filing of the motion. The certification may be filed as a separate paper or may be included in the motion under an appropriate heading.

(c) Order

The court by order may admit specially or deny the special admission of an attorney. In either case, the clerk shall forward a copy of the order to the State Court Administrator, who shall maintain a docket of all attorneys granted or denied special admission. When the order grants or denies the special admission of an attorney in an action pending before an administrative agency, the clerk also shall forward a copy of the order to the agency.

(d) Limitations on Out-of-State Attorney's Practice

An attorney specially admitted may act only as co-counsel for a party represented by an attorney of record in

the action who is admitted to practice in this State. The specially admitted attorney may participate in the court or administrative proceedings only when accompanied by the Maryland attorney, unless the latter's presence is waived by the judge or administrative hearing officer presiding over the action. Any out-of-state attorney so admitted is subjected to the Maryland Rules of Professional Conduct.

Cross reference: See Code, Business Occupations and Professions Article, §10-215.

Committee note: The Committee has not recommended a numerical limitation on the number of appearances pro hac vice to be allowed any attorney. Specialized expertise of out-of-state attorneys or other special circumstances may be important factors to be considered by judges in assessing whether Maryland litigants have access to effective representation. This Rule is not intended, however, to permit extensive or systematic practice by attorneys not licensed in Maryland. The Committee is primarily concerned with assuring professional responsibility of attorneys in Maryland by avoiding circumvention of Rule 13 (Out-of-State Attorneys) or Kemp Pontiac Cadillac, Inc. et al vs. S & M Construction Co., Inc., 33 Md. App. 516 (1976). The Committee also noted that payment to the Clients' Security Trust Fund of the Bar of Maryland by an attorney admitted specially for the purposes of an action is not required by existing statute or rule of court.

Source: This Rule is derived from former Rule 20.